The City Council of the City of Raleigh met in regular session on Tuesday, June 7, 1983, at 1:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and invocation was rendered by the Reverend David Huffman of Trinity Presbyterian Church after which, the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

NORTH CAROLINA POLICE OLYMPICS - RALEIGH PARTICIPANTS RECOGNIZED

Mayor York indicated recently W. W. Hayes along with a number of other police officers participated in the North Carolina Police Olympics in Charlotte. He called Officer Hayes to the podium. Mayor York indicated Mr. Hayes was awarded the highest designation in the event - "Super Cop" award and placed first in four other events. Officer Hayes introduced officers D. J. Norris, Alphonso White, Claude Moore, J. L. Jordan, P. T. Crutchfield, D. S. Wiseman, and D. B. Gillespie. In introducing each of these officers, Officer Hayes indicated the events they participated in and the placing of each officer. He also explained the City's relay team in the 80 meter run only had three officers to participate and it is a four officer event, however, the City's team placed second. Mayor York indicated he is very proud of the Police Department and proud of these officers and the showings they made in the olympics.

MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED - FORMER CHAIRMAN CARTER - COMMENDED

Mayor York called on Bob Carter, the outgoing chairman of the Mayor's Committee for Services to the Handicapped. The Mayor presented Mr. Carter with a certificate and a plaque of appreciation for his services on the committee and during his tenure as chairman. Mr. Carter introduced Ron Norwood, the new chairman of the committee.

PROCLAMATION - FLAG DAY - PROCLAIMED

Mayor York read a proclamation proclaiming Tuesday, June 14, 1983, as Flag Day in the City of Raleigh. At the end of the proclamation the Council and audience stood and repeated the pledge of allegiance to the flag.

CONSENT AGENDA

Mayor York inducted all items on the Consent Agenda are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mr. Calloway REQUESTED THAT THE ITEM RELATING TO COMMUNITY DEVELOPMENT TRANSFERS BE WITHDRAWN. Without objection, the item was withdrawn. Mr. Upchurch MOVED THAT ADMINISTRATION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The item on the Consent Agenda were as follows:

CAROLINA POWER AND LIGHT COMPANY - EASEMENT - AUTHORIZED

This is an easement proposed by Carolina Power and Light Company for the installation of a distribution circuit across the frontage of the City of Raleigh's Water Plant property adjoining Bluff Street for a distance of approximately 180 feet. The proposed installation would cause the clearing of a small group of trees in the way of that distribution line installation.

The easement instrument includes suitable language to obligate Carolina Power and Light Company to locate this line at its expense to a new location if that relocation is required by any future use of that land by the City of Raleigh.

Recommendation: It is recommended that the City Council approve and accept the dedication of this easement to Carolina Power and Light Company. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

HIGHWAY SAFETY GRANT APPLICATION - CITY AUTHORIZED TO FILE

The Police Department is applying for a grant in the amount of $180,530.52 to continue the operation of our DUI/Speeding Program in the fiscal year 1983-84. This program will be funded completely by the Governor's Highway Safety Program.

The present program is proving successful.

Recommendation: Approval is recommended. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 263

LOCAL GOVERNMENTAL RESOLUTION
(To be completed and attached
to form GHSP-D-03, "Application
For Highway Safety Project Grant.")

WHEREAS, the City of Raleigh herein called the "Applicant" has thoroughly considered the problem addressed in the application entitled IMPACT -- DUI/SPEEDING and has reviewed the project described in the application; and

WHEREAS, under the terms of Public Law 89-564 as amended, the United States of America has authorized the Department of Transportation, through the North Carolina Governor's Highway Safety Program to make federal grants to assist local governments in the improvement of highway safety,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL IN OPEN MEETING ASSEMBLED IN THE CITY OF RALEIGH, NORTH CAROLINA. THIS 7th DAY OF JUNE, 1983, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Applicant and the general public.

2. That G. Smedes York, Mayor be authorized to file, in behalf of the Applicant; an application in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of _____ to be made to the Applicant to assist in defraying the cost of the project described in the application.

3. That the Applicant has formally appropriated the cash contribution of _____ as required by the project.

4. That the Project Director designated in the application form shall furnish or make arrangements for other appropriate persons to furnish such information, data, documents and reports pertaining to the project, if approved, as may be required by the Governor's Highway Safety Program.

5. That certified copies of this resolution be included as part of the application referenced above.

6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting. by /s/ G. Smedes York
Chairman/Mayor

Commissioner/Councilman Avery Upchurch offered the foregoing resolution and moved its adoption, which was seconded by Commissioner/Councilman John Edwards and was duly adopted.

Date: 6/16/83
ATTEST: SEAL
by /s/ Gail G. Smith
Clerk

RALEIGH TOMORROW FORUM - CONTRACT WITH LANZ ASSOCIATES - AUTHORIZED

The Council authorized the expenditure of up to $2,500 to retain professional assistance in planning and carrying out the proposed Raleigh Tomorrow Forum. The Forum is tentatively scheduled for the latter part of July. Because of the extremely short period of time available for planning and executing this conference, the Planning Department staff informally contacted several local individuals and firms who might be able to undertake this kind of assignment. A proposal was received from Lanz Associates. Mr. Lanzillo, the principal in the firm, has been following the Raleigh Tomorrow effort. He has proposed to take on coordination of the Forum, including recruiting speakers, participants and resource people; coordination of agenda and conference materials; and recommend follow up on the Forum.

Roger Krupa and the Civic Center staff are willing to undertake the logistical support and some auxiliary media work for the Forum.

Recommendation: Administration recommends the retainage of Lanz Associates for a cost of $2,200. There is a remaining uncommitted balance in the Raleigh Tomorrow account of approximately $6,200. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

CETA - SUMMER YOUTH EMPLOYMENT PROGRAM - CONTRACT MODIFICATION AUTHORIZED

This is a request to authorize modification of the SYEP in accordance with DOL standards and guidelines.

The purpose of this modification to the Summer Youth Employment Program (SYEP) Annual Plan is to include the specifics of the 1983 program, describing all activities planned for the summer. Council members received a copy of the budget information summary and a program planning summary in their Agenda packet.

Recommendation: It is recommended that the City Council approve this modification.

Consent Agenda approval - Upchurch/Edwards - 8 ayes. (Mayor York indicated the backup information in the Agenda packets just had the initials SYEP and did not identify the program. He stated that he knew that initials were popular with Federal government but it would be good if the program name could also put on the Agenda information.)

ORDINANCE NO. (1983) 122

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 82/83 CETA fund budget appropriations be amended as follows to reflect net increase in Administrative funding:

Revenue:

03-1-5200-100	82/83 Adm.	$ 91,439.00

Expenditures:

03-2-5200-100	Salaries	$ 17,503.70
03-2-5200-101	Fringes	2,548.00
03-2-5200-226	Maint. - Equipment	(250.00)
03-2-5200-231	Travel	(2,000.00)
03-2-5200-232	Rent	9,661.56
03-2-5200-240	Ptg. & Repro.	(3,500.00)
03-2-5200-260	Office Supplies	(400.00)
03-2-5200-266	Advertising	(500.00)
03-2-5200-267	Payroll SVCS.	(2,500.00)
03-2-5200-269	Copier Supplies	(2,000.00)
03-2-5200-535	Indirect Cost	72,875.74
	Total	$ 91,439.00

Adopted: 6/7/83

PROFESSIONAL SERVICES - MEDICAL SERVICES - CONTRACT AUTHORIZED

Approval is requested to renew the Medical Professional Services Agreement between Douglas I. Hammer, MD, and the City of Raleigh to be effective July 1, 1983. All services previously rendered are extended for an additional year to run from July 1, 1983, through June 30, 1984, for the same annual fee of $10,008. Copies of the agreement are provided in each Council Members' Agenda packets.

Recommendation: Approval is recommended. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

FLOOD INSURANCE STUDY - PUBLIC HEARING AUTHORIZED

In accordance with Section 10-4003 of the Raleigh City Code, any modification to the City of Raleigh's Flood Insurance Study must be preceded by a public hearing. The Agenda outlined the notice re- quirement as well as eight proposed amendments to the flood study.

Recommendation: It is requested that the Council authorize a public hearing to consider these modification to the flood insurance study and maps on June 21, 1983. Boulevard and the potential closing of a section of road under Seaboard Railroad.

Recommendation: It is recommended that the City Council adopt a resolution requesting the North Carolina Department of Transportation to remove the following street from the State system:
SR 2000 (Wake Forest Road) from SR 2026 (Wake Forest Road at Brookside Drive) to SR 2072 (Downtown Boulevard), which is approximately 300 feet west of the Seaboard Railroad underpass. (A map was available at the meeting.)

Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 246

A RESOLUTION REQUESTING THE STATE HIGHWAY COMMISSION TO MAKE DELETIONS DESCRIBED HEREIN FROM THE STATE HIGHWAY STREET SYSTEM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the State Highway Commission be and it is, by this resolution, requested to delete the following streets from the State Highway System:

> SR 2000 (Wake Forest Road) from SR 2026 (Wake Forest Road at Brookside Drive) to SR 2072 (Downtown Boulevard, which is approximately 300 feet west of the Seaboard Railroad underpass)

Section 2. That a copy of this resolution shall be furnished the State Highway Commission.

Adopted: 6/7/83

201 WASTE WATER FACILITIES PLAN - PROPOSED UPDATE - TO BE PLACED ON JUNE 21, 1983 AGENDA

The Town of Garner has submitted to the City a proposal for an update to the section of the 201 Facilities Plan as it applies to the Town of Garner service area. Since Raleigh is designated as the lead agency in the Wake County Complex 201 Plan area, it is necessary that actions affecting this plan be forward through the City of Raleigh.

The governing board of the Town has held a public hearing on this proposed plan and now desires that Raleigh submit the update plan to the State Division of Environmental Management for consideration in their grants award process. Garner has had difficulty getting into the funding priority grouping for EPA funding, and this approach is an attempt to improve their funding status. Their collection system problems have been a high priority concern in the 201 Plan recommendation.

Recommendation: It is recommended that the City Council receive this report and direct that it be placed on the Council Agenda for June 21, 1983, for action. The other local governments involved are now being notified and requested to submit any comments prior to the next Council Meeting. (Additional information was included in the Council Members' Agenda packets.) Consent Agenda approval - Upchurch/Edwards - 8 ayes.

FLOOD WARNING ALERT SYSTEM - CITY AUTHORIZED TO REQUEST ASSISTANCE

The City staff and County staff have been reviewing a flood warning system which has been developed by the National Weather Service. This system would offer the opportunity to have automatic remote data collection of rainfall levels and stream flow levels in the Crabtree Basin. This data is intended to enhance the ability to project the occurrence of flood conditions.

To proceed further with the analysis of how this system could be developed for application to the Crabtree Basin, the National Weather Service needs an official request to proceed with this analysis.

Recommendation: It is recommended that the City Council authorize the submittal of an official request to the National Weather Service for assistance in the analysis of the feasibility for developing the automated remote flood warning system with the understanding that decisions concerning implementation and cost would be determined after receipt of the feasibility and development analysis. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

TAXICAB OWNER'S PERMIT - APPROVED ON SECOND AND FINAL READING

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. The applications were During the May 17, 1983, Council Meeting, the following application for taxicab owner's permits were approved on the first reading. IT IS RECOMMENDED THAT THE FOLLOWING APPLICATIONS BE APPROVED ON A SECOND AND FINAL READING.

Edward Dwight Cotton, Lincoln Cab Company (New Individual Owner's Permit)

John Jasper Green, Jr., Ebony Cab Company (New Individual Owner's Permit)

Mary Elizabeth Lucas, Ebony Cab Company (New Individual Owner's Permit)

Francis K. Wathika, Safeway Cab Company (New Individual Owner's Permit)

Consent Agenda approval - Upchurch/Edwards - 8 ayes.

TAXICAB OWNER'S PERMIT - JOHNNY NYAGA KAGAU - APPROVED TO BE PLACED 6/21/83 AGENDA

It was reported that an application has been received from Johnny Nyaga Kagau, Safeway Cab Company (new individual owner's permit). The application has been checked and meets the requirements of the City Code. Approval is recommended. ADMINISTRATION RECOMMENDS APPROVAL ON THE FIRST READING WITH THE UNDERSTANDING THE MATTER WOULD BE PLACED ON THE JUNE 21, 1983 AGENDA FOR SECOND AND FINAL CONSIDERATION. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

BUDGET AMENDMENT - PLANNING DEPARTMENT - APPROVED

A budget amendment in the amount of $350.00 was presented to transfer monies from an income account to the expenditure account relating to the Appearance Workshop. This is so that the monies may be spent on the programs for which they were donated. ADMINISTRATION RECOMMENDS APPROVAL OF THE BUDGET AMENDMENT IN THE PLANNING DEPARTMENT AS OUTLINED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

ORDINANCE NO. (1983) 123

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Budget be amended as follows to transfer monies from the income account to the expenditure account:

Revenue:	19-1-2000-002	Appearance Workshop	$350.00
Expense:	19-2-2000-201	Appearance Workshop	$350.00

Adopted: 6/7/83

CETA - OJT CONTRACT - CITY MANAGER APPROVAL - INFORMATION RECEIVED

On May 13, 1983, the City Manager signed a contract with The Wackenhut Corporation, which provides training for two persons. The contract period is for three and one-half (3½) months and will have a total CETA cost of $3,154. The item was received as information.

BILTMORE HILLS/RIDGE ROAD SWIMMING POOLS - CHANGE ORDER # P-1 - MANAGERS ACTIONS CONCURRED WITH

The Agenda indicated the City Manager has administratively approved change order P-1 - AAA Electrical Company, Incorporated relating to Biltmore Hills and Ridge Road swimming pools. The change order is an addition of $749.01 and is needed as the Wake County Health Department requires a yard hydrant to clean and wash the deck area of the pools. The item was received as information.

PW 1982-1 - CHANGE ORDER #2 - APPROVED

Change Order 2- C. C. Mangum, Incorporated relating to PW-1982-1 was presented. This is for a deduction of $41,200. The change order is needed as Benson Drive Roadway Construction Project has been deleted from the project. The Agenda indicated the Accounting Department states that no accounts are to be amended as the change order decreases the encumbered amount automatically. ADMINISTRATION RECOMMENDS APPROVAL OF THE THE CHANGE ORDER AS PRESENTED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of administrative transfers that have been administratively approved by the City Manager according to Council policy. CONCURRENCE WITH THE MANAGER'S RECOMMENDATION ON THE ADMINISTRATIVE TRANSFERS IS RECOMMENDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

The transfers were as follows:

FROM	TO	AMOUNT
18-2-0200-227		
18-2-0200-255	18-2-0200-260	$450.00
18-2-0700-213		
18-2-0700-221	18-2-0700-225	200.00
19-2-8040-534	19-2-8040-700	500.00
01-2-5100-254	01-2-5100-211	750.00
01-2-3030-234	01-2-3030-260	300.00
01-2-1200-260	01-2-1200-226	800.00
38-2-1000-100	38-2-2010-106	749.01
01-2-4130-255	01-2-4110-260	600.00
01-2-1140-231	01-2-1140-260	21.00
01-2-1040-001	01-2-3010-221	250.00
	01-2-3010-231	700.00
01-2-1230-281	01-2-1230-265	275.00
81-2-1063-103	81-2-1045-103	900.00
01-2-1040-001	01-2-1160-265	150.00
01-2-1040-001	01-2-1040-209	900.00
01-2-1130-260	01-2-1130-704	60.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND APPROPRIATIONS FROM CONTINGENCY - RESOLUTION AND ORDINANCE ADOPTED

The Agenda presented a list of transfers within various accounts and appropriations from various contingencies for purposes as set out in the Agenda. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRANSFERS AND APPROPRIATIONS AS OUTLINED.

Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 247 TF 44

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 29, 1982, and included in the budget for the fiscal year ending June 30, 1983, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	01-2-1080-217	Fuel for Heat	$ 21,000.00
From	01-2-1080-303	Sports Show	1,000.00
To	01-2-1080-219	Light & Power	22,000.00
Purpose: Provide sufficient funds for remainder of fiscal year.			
From	01-2-1170-225	Repairs to Center	$ 1,200.00
From	01-2-1170-229	Tel Network	2,000.00
From	01-2-1170-710	C. B. Radio	200.00
To	01-2-1170-228	Tel Network	3,400.00
Purpose: Provide funds for telephone network expenses related to call boxes and fire station alert lines.			
From	43-2-8030-300	Demolition	$ 37.84
From	43-2-8060-300	Relocation	15,033.48
From	43-2-8080-304	PII, StI, L&G	4.85
From	43-2-8090-300	Contingency	258.43
To	43-2-8180-100	Homemaker-Home Health	15,334.60
Purpose: To provide partial funding for FY 83-84.			
From	43-2-9010-100	Salaries	$ 691.21
From	43-2-9010-101	Fringes	686.44
From	43-2-9010-226	Repairs to Off. Eq.	15.00
From	43-2-9010-229	Advertisement	10.79
From	43-2-9010-230	Motor Veh. M&O	117.65
From	43-2-9010-231	Travel	414.71
From	43-2-9010-232	Rent	1,326.83
From	43-2-9010-237	Auto Reimb.	60.07
From	43-2-9010-240	Print & Reprod.	104.96
From	43-2-9010-260	Office & Other	229.86
From	43-2-9010-261	Indirect Cost Alloc.	8,342.48
To	43-2-9160-302	Meals on Wheels	12,000.00
Purpose: To provide funding for FY 83-84 at prior year level.			
From	43-2-9010-261	Indirect Cost Alloc.	$ 7,374.61
To	43-2-9160-301	HHHA-Services	7,374.61
Purpose: To complete funding for FY 83-84 at prior year level.			
From	43-2-9080-300	Contingency	$ 4,600.00
To	43-2-9060-300	Rehab for Resale	600.00
To	43-2-9181-300	Incentive Housing	4,000.00
Purpose: To meet anticipated overruns.			
From	43-2-4120-231	Travel/Admin.	$ 392.00
From	43-2-4120-239	Insurance/Admin.	330.74
From	43-2-4120-260	Office Supplies/Admin.	2,200.00
From	43-2-4130-100	Salaries/Reloc.	431.69
From	43-2-4130-231	Travel/Reloc.	757.60
From	43-2-4140-100	Salaries/Demo.	1,675.98
From	43-2-4140-101	Fringes/Demo.	170.26
From	43-2-4140-231	Travel/Demo.	250.00
From	43-2-4140-239	Insurance/Demo.	48.85
From	43-2-4150-100	Salaries/Acq.	4,187.10
From	43-2-4150-101	Fringes/Acq.	73.84
From	43-2-4150-231	Travel/Acq.	235.66
From	43-2-4150-239	Insurance/Acq.	195.00
To	43-2-4120-100	Salaries/Admin.	7,067.00
To	43-2-4120-101	Fringes/Admin.	1,032.77
To	43-2-4120-200	Accounting/Admin.	55.69
To	43-2-4120-228	Telephone/Admin.	918.12
To	43-2-4130-239	Insurance/Reloc.	90.03
To	43-2-4130-260	Off. Supplies/Reloc.	673.00
To	43-2-4140-229	Legal Ads/Demo.	226.11
To	43-2-4140-260	Off. Supplies/Demo.	376.00
To	43-2-4150-260	Off. Supplies/Acq.	510.00
Purpose: To redistribute budget appropriations per RHA Resolution #34 and #40.			
From	01-2-4020-243	Uniforms and Equipment	$ 4,120.00
To	01-2-4020-603	Misc. Equipment	4,120.00
Purpose: To purchase visabars for new police vehicles.			

From	01-2-1230-281	St. Lighting	$ 3,500.00
To	01-2-1230-219	Light & Power	1,000.00
To	01-2-1230-282	Traffic Signal Power	2,500.00

Purpose: To offset projected deficit.

From	40-2-1000-100	Council Reserve	$ 5,775.00
To	40-2-2500-101	Civic Ctr. Equipment	5,775.00

Purpose: Sixteen 4' x 8' x 24" portable staging units, accessories and stage drape needed to accommodate simultaneous event needs in different areas of the building.

From	01-2-1220-260	Office & Other Supplies	$ 2,598.70
To	01-2-1220-226	Repairs to Off. Equip.	2,598.70

Purpose: For painting office furniture, new tops for desks, for use in new building.

From	01-2-4030-243	Uniforms & Equip.	$ 1,200.00
To	01-2-4030-285	Stress Training	1,200.00

Purpose: To provide funds to train peer group leaders in the Stress Program.

From	37-2-1000-100	Council Reserve	$ 50,000.00
To	37-2-8991-200	Chavis Carousel	50,000.00

Purpose: Overhead doors, wood repair and sprinkler system for Chavis Carousel Building.

From	43-2-4060-100	Rehab L&G	$121,750.00
To	43-2-4020-100	Acquisition	121,750.00

Purpose: For acquisition in progress of properties in CD concentrated area.

From	39-2-1000-100	Res. for Council Proj.	$ 3,000.00
To	43-2-4050-106	Festive Retail Study	3,000.00

Purpose: To provide funds for Zuchelli-Hunter and Cranston Study on the Festival Retail Project.

Adopted: 6/7/83

ORDINANCE NO. (1983) 124 TF 20

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That $48,198.00 of the General Fund Contingency appropriation, Code Account 01-2-1040-001, is hereby transferred from that appropriation and added to the appropriations made in the 1982/1983 budget ordinance as follows:

$9,000.00 to Code Account 01-2-1040-501, Indirect Cost Allocation Study, to sign contract with David M. Griffith.

$11,884.00 to Code Account 01-2-3010-265, Other Services, to cover disallowed cost relating to CETA Audit Settlement.

$8,000.00 to Code Account 01-2-1040-220, Postage, to supplement funding for remainder of fiscal year.

$16,914.00 to Code Account 01-2-4110-233, M&O, to repair ladder truck 16.

$1,250.00 to Code Account 01-2-6020-100, Salaries, to provide funds for security guards for the Chavis Carousel until building is secured.

$1,150.00 to Code Account 01-2-1040-232, Dillon Building Rental, for funds needed for final monthly rental payment.

Section 2. That $11,232.00 of the Utilities Fund Contingency appropriation, Code Account 06-2-7100-002, is hereby transferred from that appropriation and added to the appropriations made in the 1982/1983 budget ordinance as follows:

$11,232.00 to Code Account 01-2-1040-209, Employee Lia. Comp., to reimburse general fund for payment of workers compensation claim awarded by State Industrial Commission.

Adopted: 6/7/83

BID REQUEST 83-1 - LIQUID CHLORINE - BID AWARDED TO JONES CHEMICAL, INCORPORATED

Pursuant to advertisement June 31, 1984 with results as follows: Jones Chemicals, Inc., - $213,900; McKesson Chemical Company - $213,900; Suffolk Chemical Company $249,900; Delta Chemical Company - $259,005. It was indicated in the event of a tie bid, the successful bidder will be the previous supplier as used by the City of Raleigh. Therefore, ADMINISTRATION RECOMMENDS THE BIDS SUBMITTED BY JONES CHEMICAL, INCORPORATED BE AWARDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

BID REQUEST 83-3 - HYDROFLUOSILICIC ACID - BID AWARDED TO SUFFOLK CHEMICAL COMPANY

Pursuant to advertisement as required by law, bids received and publicly open in the office of the Purchasing Agent on May 25, 1983, for a price agreement for the period of July 1, 1983, through December 31, 1983, for Hydrofluosilicic Acid with results as follows: Suffolk Chemical Company - $21,512; McKesson Chemical Company - $25,000; Jones Chemical, Incorporated - $21,290; McEncee Chemical - $21,290; Burris Chemical, Incorporated - $21,400; Delta Chemical Corporation - $23,672. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY SUFFOLK CHEMICAL COMPANY BE AWARDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

TRAFFIC - LANE CHANNELIZATION - APPROVED

The Agenda outlined a recommended change in the traffic code relating to lane channelization on Granville Drive at Glenwood Avenue. ADMINISTRATION RECOMMENDS APPROVAL AS OUTLINED ON THE AGENDA. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

ORDINANCE NO. (1983) 125

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 6B3 entitled "LANE CHANNELIZATION" be amended by adding the following:

Granville Drive at Glenwood Avenue

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective June 14, 1983.

Adopted: 6/7/83

Effective: 6/14/83

THIS IS THE END OF THE CONSENT AGENDA

TRANSFER - COMMUNITY DEVELOPMENT DEPARTMENT - APPROVED

The Agenda presented a transfer to the Community Development Department in the amount of $15,334.60 to provide partial funding for FY 83-84 for Homemaker - Home Help. Mr. Calloway indicated he has requested that this item be removed from the Consent Agenda pointing out this involves a $15,000+ transfer from relocation in the CD Department. He questioned if we are involved in fewer relocations or why is this much money was available. City Manager Zachary indicated many times at this time of the budget year, we transfer money from one line item that we see the money is not going to be needed and put it in another line item. John Cummings of the CD Department indicated this is prior year funding that is being carried forward and is being reprogrammed. Mr. Calloway MOVED THAT THE TRANSFER IN THE COMMUNITY DEVELOPMENT DEPARTMENT IN THE AMOUNT OF $15,334.60 AS OUTLINED ON THE AGENDA BE APPROVED. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 124 TF 20 and Resolution 247 TF 44.

REPORT OF THE PLANNING COMMISSION

REPORT OF THE PLANNING COMMISSION - AS APPROVED AS AMENDED

Mayor York presented the Planning Commission Consent Agenda indicating that it would be handled in the same manner as the regular Consent Agenda. Mayor York indicated he would like to be EXCUSED FROM PARTICIPATION IN CR-1980 (S-41-83) AS HIS COMPANY IS WORKING ON THE PROJECT. Mr. Edwards REQUESTED THAT HE BE EXCUSED FROM PARTICIPATION IN CR-1978 (PA-163) AND CR-1980 (S-41-83). Without objection, both were excused as requested. Mr. Upchurch REQUESTED THAT CR-1986 (CP-2-83) BE WITHDRAWN. Mr. Keller REQUESTED THAT CR-1984 (TC-238) BE WITHDRAWN FROM THE CONSENT AGENDA. Without objection, these items were withdrawn. Mr. Walters MOVED THAT THE PLANNING COMMISSION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Planning Commission Consent Agenda were as follows:

PA-163 - NAVAHO DRIVE PARKING LOT - APPROVED WITH CONDITIONS

This was a request for approval to construct a 51-car parking lot on currently vacant property zoned Office and Institution-II.

This property is located on the south side of Navaho Drive, west of Wake Forest Road, inside the City Limits.

CR-1978 from the Planning Commission recommended that this request be approved according to a map entitled, "Navaho Drive Parking Lot," the property of Benson-Royal, drawn by John Edwards and Company, dated October 19, 1982, revised October 13, 1982, November 11, 1982 and January 31, 1983, with the following conditions: (1) That the cross-parking and access agreements be reviewed and approved by the City Attorney's Office and recorded prior to issuance of the building permit; and (2) that the developer conform to the Parking Lot Landscaping Ordinance. Consent Agenda approval - Walters/Edwards - 7 ayes. (Mr. Edwards excused during vote on the Consent Agenda.)

SC-190 - ECONOMY CAR WASH - APPROVED

This was a request for approval to construct a 2,704 square foot building which consists of a five (5) bay, self-service car wash; a 260 square foot storage and equipment room; and a 416 square foot office for a used car dealership which will be located on the east side of the lot on .52 currently undeveloped acre, zoned Shopping Center.

This property is located on the south side of Pecan Road, west of South Saunders Street, inside the City Limits.

CR-1979 from the Planning Commission recommended that this request be approved according to a map entitled, "Economy Car Wash," the property of R. V. Hopson, drawn by Larry D. Holmes, undated. Consent Agenda approval - Walters/Edwards - 8 ayes.

S-41-83 - HAMMOND COMMERCIAL PARK - APPROVED WITH CONDITIONS

This was a request for approval to subdivide 90.9 acres which are currently vacant into 28 lots, zoned Residential-6 and Industrial-I.

The property is located on the east side of US 401 and 70 South, between Montlawn Cemetery and Tryon Industrial Park, inside and outside the City Limits.

CR-1980 from the Planning Commission recommended that this request be approved according to a map entitled, "Hammond Commercial Park," the property of F. B. Investment Company, drawn by John Edwards and Company, dated March 18, 1983, revised May 9, 1983, and the approval of the posting of bond for the Hammond Road street improvements and 12-inch water line prior to recording of Lots 15, 16, 17, 19, 27 and 28.

Consent Agenda approval - Walters/Edwards - 6 ayes. (Mayor York and Mr. Edwards excused from participation on this item during the vote on the Consent Agenda.)

TC-236 - PERMIT FEES AMENDMENT - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend and simplify the permit fees covered in Part Seven of the Raleigh City Code by replacing the building permit fees based on estimated values with a uniform construction fee schedule.

CR-1982 from the Planning Commission recommended that TC-236 be approved according to the ordinance attached to Certified Recommendation 1982. Consent Agenda approval - Walters/Edwards - 8 ayes.

ORDINANCE NO. (1983) - 126 TC 184

AN ORDINANCE TO AMEND PERMIT FEES IN PART SEVEN OF THE RALEIGH CITY CODE.

WHEREAS, A. M. Pullen and Company, an external auditor, has recommended that the City of Raleigh building permit fee schedules be simplified:

WHEREAS, the ordinance replaces building permit fees based on estimated values determined by individual builders with uniform construction fee schedule;

WHEREAS, the uniform construction fee schedule established in this ordinance are derived from Stevens Valuation Quarterly; and

WHEREAS, City inspections§ of condominium and townhouse developments are typically performed on a unit by unit basis but apartment house projects are typically inspected on a building by building basis which results in lower administrative costs for the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Subsection 7-4039(c) of the Raleigh City Code is hereby repealed to delete subsection one and is rewritten as follows:

"(c) Extra inspection. The fees shown below in subsections 7-4039(d) through (i) entitle the permittee to the appropriate number of inspections for the work performed plus one additional inspection for corrected work. For each inspection in excess of these, there shall be a charge of ten dollars ($10.00)."

Section 2. Subsection 7-4039(d) of the Raleigh City Code is repealed, rewritten and reenacted to read as follows:

"(d) Specific Fees Enumerated. The total amount of specific fees due for any one permit shall not be less than ten dollars ($10.00).

Building water or sewer (plumbing)	$ 5.00	per service
Demolition of a building or structure	20.00	
Fence	10.00	
Flood	10.00	
Land disturbing activity (disturbed area)	75.00	per disturbed acre (rounded to the nearest one hundred acre)
Mobile Homes	20.00	
Moving or relocation of a building	20.00	
Signs - permanent	10.00	per sign
- temporary (30 day)	20.00	
- temporary construction	20.00	
Stub, water or sewer (plumbing)	5.00	per stub
Temporary board (electrical)	10.00	
Temporary construction trailer	10.00"	

Section 3. Section 7-4039 of the Raleigh City Code relating to permit fees is hereby amended to add seven new subsections, 7-4039(e) through (k), said subsections shall follow subsection 7-4039(d) as amended, and shall read as follows:

"(e) New Construction

(1) Residential dwelling unit(s):

	Building	Plumbing	Electrical	Mechanical	
				Heating Only	Heating & Air Conditioning
Single Family, Townhouse, Condo (per unit)	$125.00	$ 36.00	$ 36.00	$ 20.00	$ 36.00
Apartments (1st Unit)	$125.00	$ 36.00	$ 36.00	$ 18.00	$ 36.00
Plus (each add. unit in bldg.)	$ 48.00	$ 24.00	$ 24.00	$ 12.00	$ 24.00

(2) All other construction: Permit fees for Building, Electrical, Plumbing and Meachnical permits shall be based on the following computations, rounded off fee to nearest dollar.

A = Total Gross Building Floor Area of Construction
B = Fee Per Square Foot (From Table Below)

Total Gross Building Floor Area of Construction		Fee Computation	
0-5,000 Sq. Ft.	-----	A X B	= Permit Fee
5,001-15,000 Sq. Ft.	-----	(A X B X .75) + (1250 X B)	= Permit Fee
15,001 and Above	-----	(A X B X .50) + (5000 X B)	= Permit Fee

CONSTRUCTION FEE SCHEDULE

Occupancy of Bldg.	Building** (General)	Electrical	Plumbing	Mechanical Heating Only	Mechanical A/C Only	Mechanical Refrig. Only
Residential (Other than new dwelling units)	$ .050	$ .025	$ .025	$ .015	$ .015	***
Storage	.025	.015	.010	.010*	.010	***
Assembly	.055	.025	.020	.010	.010	***
Institutional	.090	.045	.045	.025	.025	***
Business	.050	.030	.020	.015	.015	***
Mercantile	.040	.020	.015	.010	.010	***
Hazardous	.030	.010	.010	.010	.010	***
Factory/Industrial	.030	.010	.010	.010*	.010	***
Educational	.060	.030	.020	.015*	.015	***

* Includes office cooling
** Sprinklers - additional .003 per sq. ft. sprinklered gross floor area only
*** 0.25 per sq. ft. refregerated gross floor area only

(f) Additions to Existing Structure. All permit fees shall be based on the computation of fees in (e)(2).

(g) Alterations, Repair to Existing Structure, or both.

(1) If the total estimated cost of construction exceeds fifty percent (50%) of the physical value of the existing building, then the permit fee(s) shall be based on the computation of fees in (e)(2), "All Other Construction".

(2) If the total estimated cost of construction is fifty percent (50%) or less of the physical value of the existing building, then the permit fee(s) shall be calculated at one-half (½) the cost based on the computation of fees in (e)(2), "All Other Construction".

(h) Change of Occupancy Within Existing Building. All permit fees shall be based on the computation of fees in (e)(2), "All Other Construction".

(i) Accessory Building. All permit fees shall be based on the computation of fees in (e)(2), "All Other Construction".

(j) Minimum Fee. No fee determined with reference to the Construction Fee Schedule shall be less than twenty dollars ($20.00).

(k) Research and Records.

Record Recovery (including print)	$2.00 per page
Monthly report - without mailing	2.00 per month
- with mailing	2.50 per month
Duplicate building card	2.00".

Section 4. Section 7-4079 of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"All Plumbing fees shall be determined in accordance with subsections 7-4039(d) through (j). No permit fee shall be less than twenty dollars ($20.00)".

Section 5. Section 7-4106 of the Raleigh City Code is hereby repealed, rewritten and reenacted to read as follows:

"All Electrical fees shall be determined in accordance with subsections 7-4039(d) through (j). No permit fee shall be less than twenty dollars ($20.00)".

Section 6. All ordinance and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 7. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 8. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 9. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 10. This ordinance shall become effective upon its adoption.

ADOPTED: 6/7/83

TC-240 - DEFINITION OF HOME OCCUPATION - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend Section 10-2002 of the Raleigh City Code by adding a new section, (d), to the definition of Home Occupation.

CR-1985 from the Planning Commission recommended that TC-240 be approved according to the ordinance attached to Certified Recommendation 1985. Consent Agenda approval - Walters/Edwards - 8 ayes.

ORDINANCE NO. (1983) - 127 TC 185

AN ORDINANCE TO AMEND THE DEFINITION OF HOME OCCUPATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That section 10-2002 of the Raleigh City Code is hereby amended by adding a new section, (d), to the definition of Home Occupation as found therein and to read as follows:

"(d) is created and operated as a sole proprietorship."

Section 2. That all laws and parts of laws in conflict herewith are hereby repealed to the extent of any such conflict.

ADOPTED: 6/7/83

EFFECTIVE: 6/7/83

END OF PLANNING COMMISSION CONSENT AGENDA

TC-238 - EMERGENCY WEATHER SHELTERS - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to add a new definition and a new section to the City Code, Part 10, Chapter 2, Zoning, permitting "Emergency Weather Shelters" in Neighborhood Business (and below) zoning districts, upon approval by the Board of Adjustment, and after specific findings of fact concerning operation dates, time periods, meals, maximum numbers, health regulations, and supervision.

CR-1984 from the Planning Commission recommended that TC-238, as amended, be approved according to the ordinance attached to Certified Recommendation 1984.

Mr. Jordan MOVED THAT TC-238 BE REFERRED TO LAW AND FINANCE COMMITTEE. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CP-2-83 - MAJOR STREET PLAN AMENDMENT - APPROVED - TO BE HELD FOR REPORT FROM TAC

This was a request for approval to amend the Major Street Plan, Map T-1, Page 50 of the Comprehensive Plan to delete the proposed extension of Boylan Avenue northward from Wills Forest Street to Glenwood Avenue, remove the major thoroughfare classification from Boylan Avenue, and reclassify as a collector street a portion of Boylan Avenue from Peace Street southward to the southern side of the new Boylan Avenue Bridge.
CR-1986 from the Planning Commission recommended that CP-2-83 be approved according to the resolution and map attached to Certified Recommendation 1986.

Mr. Upchurch indicated he had asked that this item be withdrawn from the Consent Agenda and he does not have a problem with this; however, there is a certain process that has to go through and it indicates that this item must go to the TAC and to the State DOT. He indicated that it has been suggested that this item not go to the DOT until the Highway Improvement Program is acted upon. He stated therefore HE WOULD MOVE APPROVAL OF CR-1986 AS PRESENTED BY THE PLANNING COMMISSION WITH THE UNDERSTANDING THAT THIS ITEM BE HELD BY ADMINISTRATION TO GO THROUGH TAC AND FORWARDED TO THE STATE DOT AT THE PROPER TIME. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 248

RESOLUTION TO AMEND THE COMPREHENSIVE PLAN

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals and organizations as they prepare detailed plans, programs and ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council Policy concerning the future development of the City of Raleigh; and

WHEREAS, a public hearing on proposed Amendment No. CP-2-83 was held before a joint meeting of the City Council and the Planning Commission on May 17, 1983, and the matter was referred to the Planning Commission for review and recommendation.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the Major Street Plan, Map T-1, Page 50 of the Comprehensive Plan adopted by Resolution No. (1979-949) on June 19, 1979 be revised according to the provision of the attached Amendment No. CP-2-83. Those provisions being:

A. The deletion of the extension of Boylan Avenue northwards from Wills Forest Street to Glenwood Avenue;
B. The removal of the major thoroughfare classification from Boylan Avenue; and
C. The reclassification as a collector street of the portion of Boylan Avenue from Peace Street to the southern side of the new Boylan Avenue bridge.

Adopted: 6/7/83

RESOLUTION NO. (1983) 249
RESOLUTION TO AMEND THE MUTUALLY ADOPTED
THOROUGHFARE PLAN FOR THE
RALEIGH, CARY AND GARNER URBAN AREA

The following resolution was offered by Councilman Upchurch and seconded by Councilman Edwards and upon being put to a vote was carried by a 8 to 0 vote on the 7th day of June, 1983.

WHEREAS, the City of Raleigh, Town of Cary, Town of Garner, and the North Carolina Department of Transportation did mutually adopt a thoroughfare plan for the urban area; and

WHEREAS, North Carolina General Statutes 136-66-2(d) provides that either the Municipality or Board of Transportation may propose changes in an adopted plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Board of Transportation and the Municipal Governing Board; and

WHEREAS, it is recognized that the proper movement of traffic within and through Raleigh-Cary-Garner is a highly desirable element of the Thoroughfare Plan for the orderly growth and development of the urban area; and

WHEREAS, the City of Raleigh has purchased land for a City park and area residents have vigorously been revitalizing residential properties along the route of the proposed extension of Boylan Avenue to Glenwood Avenue; and

WHEREAS, it has been determined that Glenwood Avenue can effectively handle both north and south bound traffic through this portion of the City of Raleigh:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

That the State Board of Transportation is hereby requested to concur with the City Council of the City of Raleigh to amend the Thoroughfare Plan, adopted January 10, 1977 as follows:

The proposed extension of Boylan Avenue northwards from Wills Forest Street to Glenwood Avenue be deleted from the Thoroughfare Plan:

The major thoroughfare classification of Boylan Avenue be dropped; and the portion of Boylan Avenue from Peace Street to the south end of the new Boylan Avenue Bridge be reclassified as a collector street.

I, Brenda N. Anderson, Deputy Clerk of the City of Raleigh, North Carolina, do hereby certify that the above is a true and correct copy of excerpts from the minutes of the City Council of said City.

WITNESS my hand and the official seal of the City of Raleigh this the 13th day of June, 1983.

ATTEST: (Seal)
by /s/ Brenda N. Anderson
Deputy Clerk

TC-235 - ROOMING UNITS IN CHURCHES - APPROVED

This was a request for approval to rewrite Section 10-2023(1) of the Raleigh City Code relating to uses permitted in Residential-1 zoning districts (and above) to allow rooming units as an accessory use in church or religious educational buildings, provided that no more than 1,500 square feet may be devoted to rooming units in any one church or church complex.

CR-1983 from the Planning Commission recommended that TC-235, as amended, be approved according to the ordinance attached to Certified Recommendation 1983.

Planning Commission Chairman Graham presented the proposed text change and the Planning Commission's recommendation. He explained the Planning Commission is recommending a modified version of the text change indicating the modification relates mainly to radius requirement, supervision and population. He explained the proposal. Mr. Edwards indicated he plans to support the recommendation of the Planning Commission. He indicated he feels that we do need the separation and supervision as placed in the proposal by the Planning Commission. He indicated the 3/4 mile radius requirement is generally in line with the other separations of group care type facilities. He indicated the question of supervision in his mind revolves around how much and what kind of supervision. He stated possibly it is better that we start off with a stiff ordinance with the understanding that we could back off if problems develop. Mr. Edwards MOVED THE PLANNING COMMISSION'S RECOMMENDATION AS OUTLINED IN CR-1983 BE UPHELD. His motion was seconded by Mr. Keller. Lengthy discussion took place as to whether the supervision requirement will cause problems for such facilities as Grace Lutheran House. Ms. Babb indicated as she understands it, the supervision could be handled by someone who is in the facility for another purpose and it does not necessarily mean that someone would have to be hired as the supervision. This was discussed at great length with Ms. Babbs indicating she plans

to support the ordinance as worded. She stated however, she does have some concerns of the strictness of the supervisor and she hopes that it will not curtailed the services provided by facilities such as Grace Lutheran Church, and if it does, she will ask for the Council to reconsider. Mayor York indicated he too did not want something that was so strict that would keep these facilities from providing the excellent service. Mr. Edwards indicated he believes we are talking about an observer more than a supervisor. He indicated the word supervision and supervisor is used rather loosely. Mr. Walters indicated this discussion possibly throws a different light on the situation pointing out in his opinion it would be a supervisor on duty 24 hours a day whether it be a volunteer or employee to maintain continuous on-site supervision. Mr. Keller indicated he would support the measure as it is written. He indicated he had talked to people on the State and County level connected with Social Service and they had indicated that the City would be rather naive if they felt that these services could be provided without supervision. Ms. Babb pointed out that Grace Lutheran Church has been carrying on the type service for a number of years without any problems. After other discussion, the motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 128 TC 186

AN ORDINANCE TO ALLOW SHELTER UNITS IN CHURCHES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

Section 1. Section 10-2002 of the Raleigh City Code is hereby amended to add a new definition, "shelter unit" said definition to follow "rooming house" and shall read as follows:

"Shelter unit. An area within an existing church complex which is used for temporary housing and which meets all the rooming house standards in section 7-4123 of this code."

Section 2. Subsection 10-2024(1) of the Raleigh City Code is repealed, re-written and reenacted to read as follows:

"(1) Church, synagogue, or religious education building; shelter units as temporary housing for individuals and families for a period of up to four weeks per individual or family, provided that:

1. The shelter units are an accessory use and occupy a floor area of no more than 10% of the gross floor area of the buildings in any one religious complex, or a maximum of 1,500 square feet, whichever is less.

2. The institution may provide counseling, education, and referral services for the temporary residents thereof.

3. The church or synagogue must have been located on the site for a period of one year or longer.

4. A maximum of six (6) residents may be permitted to reside in a shelter unit on the premises at any one time.

5. A permit of compliance shall be issued by the Zoning Inspector prior to the establishment of any shelter units including examination of applicable state building code regulations.

6. The facility will provide an employee or volunteer to maintain continuous on-site supervision of the shelter unit.

7. Over-concentration. In order to prevent the creation of a de facto social service district, no more than one shelter unit in any three-quarter mile radius (determined by a straight line and not street distances) shall be permitted."

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 7. This ordinance shall become effective upon its adoption.

ADOPTED: 6/7/83

COMMITTEES, COMMISSIONS AND BOARDS

CIVIL SERVICE COMMISSION - ARTHUR J. BURKE, JR. - APPOINTED - OTHER NOMINATIONS MADE

The City Clerk reported two vacancy on the Civil Service Commission due to the resignations of Allie M. Peebles and William L. Bingham. Nominations include: Management representative - Emma Jane Muse; At-large representative - Jim Cressimore and Arthur J. Burke, Jr. Nominations have not been closed. Mr. Calloway indicated he would have to withdraw Ms. Muse's name from nomination. Ms. Babb nominated Eleanor Nunn for the management representative slot pointing out she is an employee with the State Department of Personnel. Mr. Jordan indicated that he would have to withdraw Mr. Cressimore's name from nomination as he is unable to serve. Brief discussion took place and Mr. Walters MOVED THAT NOMINATIONS FOR THE AT-LARGE REPRESENTATIVE BE CLOSED AND MR. BURKE ELECTED BY ACCLAMATION. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

DOWNTOWN ADVISORY COMMITTEE - CHAIRMAN AND VICE CHAIRMAN APPOINTED

The Clerk reported the total membership of the Downtown Advisory Committee has been appointed and it would be appropriate to appoint a chairperson. Nominations include Frank Anderson, Jr. and Bernie Reeves. Nominations have not been closed.

There being no further nominations, nominations for chairperson were closed and a ballot vote resulted as follows: Reeves - 5 (York, Edwards, Babb, Calloway, Jordan), Anderson - 3 (Walters, Upchurch, Keller). The Mayor announced the appointment of Bernie Reeves as chairperson of the Downtown Advisory Committee. Mr. Upchurch MOVED THAT FRANK ANDERSON, JR. BE APPOINTED VICE CHAIRMAN. His motion was seconded by Mr. Edwards and put to a vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

DOWNTOWN HOUSING IMPROVEMENT INCORPORATION - FOUR APPOINTMENTS; ONE VACANCY REMAINING

The City Clerk reported the following terms expire July 3, 1983 and all are eligible for reappointment: William D. Poe, Jr., Billy Lee Harris, Phil Harvell, Edgar W. Davis and Sonnya Quinn. Nominations include: Mr. Poe, Mr. Davis, Mrs. Quinn and Mr. Harvell and nominations have not been closed. Mr. Edwards MOVED THAT THE COUNCIL ELECT THE FOUR PERSONS WHO HAVE BEEN NOMINATED BY ACCLAMATION WHICH WILL LEAVE ONE VACANCY. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

HISTORIC PROPERTIES COMMISSION - ADDITIONAL NOMINATIONS MADE

The City Clerk reported there are 16 terms that expire June 30, 1983 and all persons who are eligible for reappointment have been nominated. The Clerk reported in past meetings she had indicated that Susie Perry's and John Stokes' term expire June 30, 1983. She stated this is incorrect as both serve until June 30, 1984. She indicated Arthur McKimmon's term does expire June 30, 1983 and he is not eligible for reappointment and this had not been reported to the Council before. The Clerk explained Mr. Stokes' name would be withdrawn from nomination as he does have additional time to serve and Mrs. Perry would continue to serve until June 30, 1984 leaving 16 vacancies and 16 persons nominated. Mr. Walters indicated the Council did receive an attendance record and there are a number of people whose attendance is not good. He stated therefore, he feels the Council should scrutinized the attendance record before making an appointment. Mr. Walters nominated Pernon E. Howell and Ruth Little. No further action was taken.

HOUSING AUTHORITY - APPOINTMENTS MADE

The City Clerk reported the term of Vernon R. Jansen and Ralph Campbell, Sr. expires July 6, 1983. Nominations include Mr. Jansen, Hugh Deans and Bill Windley. (Mr. Campbell had be nominated for reappointment, however, his name has been withdrawn as Mr. Campbell passed away.) The Clerk reported two vacancies and three nominees. Nominations have not been closed. Mr. Calloway MOVED THAT NOMINATIONS TO THE HOUSING AUTHORITY BE CLOSED. His motion was seconded by Mr. Jordan and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

A ballot vote resulted as follows: Jansen - 6 (Upchurch, Walters, Jordan, York, Babb, and Edwards); Dean - 3 (Upchurch, Calloway, Keller); Windley - 7 (Walters, Jordan, York, Calloway, Keller, Babb, Edwards). The Mayor announced the reappointment of Vernon R. Jansen and Bill Windley to the Housing Authority.

TRANSIT AUTHORITY - APPOINTMENTS MADE

The City Clerk reported the terms of Shelby Alford, J. Mills Holloway, and Phil Harvell expire July 3, 1983. The Clerk indicated as the Council is aware there is a fourth vacancy due to the death of Ralph Campbell, Sr. Nominations include: Mr. Alford, Mr. Harvell, Thomas Hillard, and Hiram J. Casebolt. Nominations have not been closed. There are four vacancy and four nominees. Mr. Walters MOVED THAT NOMINATIONS TO THE TRANSIT AUTHORITY BE CLOSED AND THE FOUR NOMINEES APPOINTED BY ACCLAMATION. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

HOUSING APPEALS BOARD - NO ACTION TAKEN

The City Clerk reported one vacancy on the Housing Appeals Board as Renee Grover has been transferred out of town. No nominations were made.

PARKS AND RECREATION ADVISORY BOARD - NOMINATIONS MADE

The City Clerk reported one vacancy due to the resignation of Leslie Wright. No nominations have been made. Mr. Calloway nominated Earl Curry, Assistant Instructor in P.E. at St. Augustine College. No further action was taken.

PRIVATE SECTOR HOUSING COMMITTEE - INFORMATION RECEIVED

The City Clerk reported one vacancy due to the resignation of J. J. Sanson. He is an at-large representative. The Clerk reported that this committee was appointed for a certain time period and she is not sure if the Council wishes to make a new appointment or what. The Mayor indicated this committee is moving along very rapidly and the Council is looking for a report from them in August. He stated if the Council could make a nominations by the next meeting, and go ahead and appoint that person, it would be fine but if we have to wait later than that, he does not feel that this position should be replaced.

HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE - ROLAND GAMMON APPOINTED

The City Clerk indicated the term of Roland Gammon expires on the Human Resources and Relations Advisory Committee and he has been nominated for reappointment. There being no further nominations Mr. Edwards MOVED THAT NOMINATIONS TO THE HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE BE CLOSED AND MR. GAMMON APPOINTED BY ACCLAMATION. His motion was seconded by Mr. Walters and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

LYDIA BAPTIST EMERGENCY HOME - REQUEST FOR FUNDS - REFERRED TO BUDGET WORK SESSION

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THE REQUEST OF LYDIA BAPTIST EMERGENCY HOME BE REFERRED TO BUDGET WORK SESSION TO GO THROUGH THE REGULAR BUDGET PROCESS. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TRANSIT SYSTEM - CHANGING ACCOUNTING AND BUDGETING - NO ACTION TAKEN

Chairman Jordan reported the Law and Finance Committee RECOMMENDS NO CHANGE IN THE ACCOUNTING AND BUDGETING METHOD OF THE TRANSIT SYSTEM. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CABLE ADMINISTRATION - HELD IN LAW AND FINANCE COMMITTEE

Mr. Jordan indicated there is a written recommendation on the Agenda relating to Cable Administration. He stated however, the ordinances mentioned in the Agenda are not complete; therefore, he would request that this item be held in Committee for report at the next meeting. Without objection THE ITEM RELATING TO CABLE ADMINISTRATION WAS HELD IN LAW AND FINANCE COMMITTEE.

AVENT FERRY ROAD SHOPPING CENTER - ADDITIONAL CURB CUT - AUTHORIZED CONDITIONALLY

Chairman Jordan reported the Law and Finance Committee RECOMMENDS APPROVAL OF AN ADDITIONAL CURB CUT ON GORMAN STREET PROVIDED THE APPLICANT, AVENT FERRY ROAD SHOPPING CENTER PAYS THE CITY $1,000 FOR THE RIGHT TO HAVE THE ADDITIONAL CUT AND THAT THE PLAN GO THROUGH THE NORMAL SITE PLAN APPROVAL PROCESS. On behalf of the Committee he moved that the recommendation be upheld. His motion was seconded by Mr. Keller. Mr. Jordan indicated this is being recommended in the interest of safety in moving in and out of the shopping center primarily referring to the large trucks. Mr. Keller indicated the City purchased the entranceways on that stretch of Gorman Street and we were limited to a certain number of access cuts and that is the reason for the payment. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

PA-165 - GLENWOOD EXECUTIVE CENTER - APPROVED AS AMENDED WITH CONDITIONS

Mr. Edwards indicated the Public Works Committee had formulated a recommendation on this item. He stated, however, after the committee he asked the staff to go back and look at the plan and he has some figures and numbers and new information available. He indicated he had talked with the Committee and they have agreed to make another recommendation. Mr. Edwards presented the plan that the Planning Commission had recommended for approval indicating the Public Works Committee looked at it and studied and recommended approval but after looking at it further, he feels that the development can occur without encroachment on the Conservation/ Buffer. He indicated the applicant's proposal was for a retaining wall or armored slope. He stated after going back and studying the parking, he feels that the parking area could be tighten up and still meet minimum standards and allow us to get back to the principle of what the Conservation/Buffer zone was originally set up for. He stated he feels there is

enough room in this plan utilizing minimum standards that the project can be kept away from the Conservation/Buffer. He stated he feels that the storm drainage should be tied to together entirely; therefore, he would move THAT THE CITY COUNCIL APPROVE PA-165 - GLENWOOD EXECUTIVE CENTER IN CONCEPT AND THAT NO CONSTRUCTION BE ALLOWED ON THE CONSERVATION/BUFFER RECOGNIZING THE PROJECT CAN BE BUILT WITH AN ARMORED SLOPE OR RETAINING WALL WITH THE UNDERSTANDING THE COUNCIL WILL HAVE TO APPROVE THE DESIGN OF THE RETAINING WALL AND THAT THE DEVELOPERS STILL BE REQUIRED TO FURNISH A LANDSCAPING PLAN FOR COUNCIL APPROVAL PRIOR TO CONSTRUCTION AND REVISE THE STORM DRAINAGE PLAN SO THAT THE AFFLUENT WOULD BE IN THE LOW AREAS AND NO STORM DRAINAGE IN THE NORTHWEST SECTION OF THE PROJECT. His motion was seconded by Ms. Babb. Lengthy discussion took place as to what the motion meant, with Mr. Edwards indicating his motion is that no encroachment would be allowed in the Conservation/Buffer zoning with the exception of storm drainage and sanitary sewer construction. The grading as proposed by the applicant would not be allowed. Discussion took place as to other projects that have been allowed to penetrate the Conservation/Buffer zone, intent of the Conservation/Buffer zone, the possibility of terrace retaining walls and what is allowed to penetrate the Conservation/ Buffer. Mr. Upchurch indicated he would have to vote against this motion as he does not believe that the property can be developed in this manner without disturbing the surrounding area. He stated in his opinion that is reason enough to deny a plan approval. Other discussion took place on the actual width of the Conservation/ Buffer in this area with Mr. Edwards pointing out it is generally 150 feet. He explained that there was a 50 foot Conservation/ Buffer in the zoning petition and 101 feet were left out of the petition and the City Council, on its own initiative, rezoned that 101 feet Conservation/Buffer. The history of the Conservation/ Buffer zoning was discussed at length. Mr. Keller indicated in this particular case, he feels the motion as stated by Mr. Edwards says that no encroachment will be allowed in the Conservation/ Buffer with the exception of the utilities. He stated if there is no grading or filling, he feels he can support the project; therefore, he would vote for it. The motion as stated was put to a vote and passed with all members voting in the affirmative except Mr. Upchurch who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

SUBDIVISION S-43-83 - GLENWOOD EXECUTIVE CENTER - APPROVED WITH CONDITIONS

Mr. Edwards reported by split vote, the Committee recommends upholding the recommendation of the City Planning Commission; that is, to approve the request according to a map entitled, "Glenwood Executive Center," the property of Clancy and Theys, drawn by J. N. Pease Associates, dated March 18, 1983, with the following provisions:

(1) That the off-site sanitary sewer easements are obtained and recorded prior to recording the final plat;

(2) That the cross access agreement for the four lots are recorded and;

(3) That the northern entrance is redesigned in conformance with the City and State DOT request.

On behalf of the Committee Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative except Mr. Upchurch who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

WATER QUALITY RATING - ADMINISTRATION TO REQUEST DIVISION OF ENVIRONMENTAL MANAGEMENT FOR ANALYSIS

Mr. Edwards reported the Public Works Committee recommends that Administration forward a request to the Division of Environmental Management requesting their analysis and reconsideration of the following changes in water quality classifications:

(1) Main body of Falls Lake Reservoir - Classify A-II/B with all tributaries being classified A-II unless they are presently classified B.

(2) Lakes Benson and Wheeler - Hold these lakes at their present stream classification of A-II to assure the future re-use of those lakes as raw water sources.

(3) Lake Johnson - Maintain classification as A-II until after the abandonment of the Bain Plant at which time it could be reclassified to B to allow more complete recreational uses.

Mr. Edwards indicated if this request is approved, the City would be requesting the State to classify the streams to a more stringent classification to protect our water supply. On behalf of the Committee, he moved that the recommendations be upheld which was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983)-250

WHEREAS, the Falls Lake is the primary source of water for the Raleigh and Wake County area, and is critical to the long-term supply needs of the rapidly growing Research Triangle; and

WHEREAS, protection of the water quality of Falls Lake is critical to assuring a good water supply and maintaining the area's attractive quality of life through careful management and protection of its natural beauty; and

WHEREAS, the Division of Environmental Management of the North Carolina Department of Natural Resources and Community Development has compiled important data and projections in its recent "Water Quality Discussions of the B. Everett Jordan and Falls of the Neuse Reservoirs;" and

WHEREAS, a renewed level of public concern is being generated by the recent filling of the Falls Lake impoundment, increasing development pressures in Wake County, and the Environmental Management Commission's May 12 decision to begin a stream reclassification study in the Falls Lake; and

WHEREAS, the technical work of local governments in the Falls Lake Watershed, the Triangle J Regional Planning Agency, NRCD, and other governmental units should be incorporated into a coherent and effective plan for protecting the lake's water quality.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Raleigh:

1. supports the North Carolina Environmental Management Commission's decision to reclassify the Falls Lake as soon as possible and accepts the EMC's invitation to recommend changes to stream classifications in Falls Lake; and

2. requests that the North Carolina Environmental Management Commission take steps to consider reclassifying the main body of the Falls Lake Reservoir to AII/B and all tributaries of Falls Lake to A-II unless they are presently classified B, and further that the justifications for the consideration of these revisions as well as other areas of concern for Falls Lake are identified in the attached background report for consideration by the EMC; and

3. requests the NRCD develop more detailed technical information to help evaluate the effects of different pullution sources (including point, non-point, and sedimentation) on the different segments and tributaries of Falls Lake; and

4. requests that the Secretary of NRCD convene representatives from all governmental units and local agencies in the Falls Lake Watershed for the purposes of:

   a. clarifying State and local roles in protecting Falls Lake;
   b. establishing a process whereby local governments, State government, and regional planning units can develop a Unified Watershed Protection plan that will specify each entity's responsibilities for protecting Falls Lake.

Adopted: 6/7/83

MOBILE HOME - 4114 NEW BERN AVENUE - REMOVED FROM THE AGENDA

Chairman Edwards reported the Public Works Committee RECOMMENDS REMOVAL OF THIS ITEM FROM THE AGENDA WITH NO ACTION TAKEN AS IT HAS BEEN HANDLED ADMINISTRATIVELY. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SUBDIVISION S-27-83 - DURANT TRAILS - REFERRED BACK TO THE PUBLIC WORKS COMMITTEE

Chairman Edwards reported the Public Works Committee recommends that the recommendations of the City Planning Commission, as indicated in CR-1893, be upheld (Council Members reclined a copy of CR-1893 included in their Agenda packets) and further, the Committee recommends the approval of the following additional conditions:

(1) The proposed waste water treatment facility will be connected to the subdivision by gravity line as sized by the City.

(2) All waste water collection lines will be sized to serve the total drainage area as well as the area west of Camp Durant which is in the adjacent drainage area.

(3) Utility reimbursements will be in accordance with City policy. The sewer treatment facility will be considered as ineligible for reimbursement.

(4) Package plants would be built by the developer. Developer would agree to operate the plant or convey the plant to a third party for operation with the provision that the City will have the right of concurrence to assure that the third party is a responsible operator.

The City of Raleigh will own the collection lines and be the only customer of the package plant operator. Rates for treatment will be subject to mutual agreement with N.C. Utilities Commission oversight as required.

The developer will provide an escrow of funds or assets to the City as a reserve in event of operation failure with the City being able to retrieve the escrow when necessitated by plant performance.

The appropriate agreements would also authorize the City to take over operation of the plant if environmental conditions necessitated such action.

If requested by the City, the developer/owner will convey the sewer treatment facility to the City at no cost.

The Committee recommends that this item remain in Committee for the purpose of reviewing the agreements noted in this recommendation.

Mr. Edwards indicated the Planning Commission deliberated long and hard and had put nine requirements on the subdivision approval as outlined in CR-1893. He stated the Public Works Committee studied this and recommended the four additional requirements. He stated however, he knew the Neuse Community was very concerned about the affluent from this subdivision. He indicated the recommendation the Public Works Committee is going to make, he feels is the most stringent that the City can require at this time. He indicated the State is the agency that approves the use of package plants and the only thing the City can do is to make the requirements as stringent as possible. He indicated there is a gentleman in the audience that would like to express the concerns of the Neuse Community and as a point of personal privilege, he would like to allow him to speak.

Mayor York indicated a couple weeks ago, he was asked to be on the Board of Directors of First Federal Savings and Loan. He indicated he had told them that there were a number of things he had to do in the next six months and would not have time until after that point. He stated during the course of his thinking about whether to serve on the board, he has learned that First Federal is involved in Durant Trails Subdivision. He stated whether he is on the board or is not, he does not feel it would make a difference in his vote, but he just wanted to make it a part of the record. He stated he will participate in this discussion if there are no objections.

Bud Dodson indicated the Community is concerned about Durant Trails pointing out they are afraid they are going to put sewer in their backyard. He stated with all the regulations everyone has, he just does not understand. He stated they have sewer package plants in their backyards that do not function properly now and questioned why issue permits for others. He indicated there doesn't seem to be that there is a plan between the City and County and the developers in these areas to handle the sewage in the future pointing out there are three more of these package plants in their area. He also explained on June 21, there is a public hearing relating to changing the flood plain of Perry Creek and that would just put more water in there than is presently there. He stated they have 650 families that are right in the middle of "Sewer city." He asked the Council to consider the families there and their children. He pointed out the soccer league will have a sewage treatment plant and there is one called for on Perry Creek. He just asked for some consideration for their area.

Mr. Edwards indicated he had talked to Mr. Dodson on Sunday and he believes that there is a communication problem between the Community and City Hall. He stated he would be glad to meet with Mr. Dodson at any time. A lady from the audience presented pictures of the sewage treatment plant already in the area that is malfunctioning as well as presented each Council member with a jar of water out of the creek pointing out that the developers say that the water in the jars is fit to drink. She ask the Council to make that determination themselves. Mr. Edwards moved that the subdivi- sion be approved according to the conditions outlined on RR-1893 from the Planning Commission as well as the four provision added by the Public Works Committee. He indicated this recommendation if upheld would give the City maximum leverage to go in and take over if the package plant malfunctions. He stated if does malfunctions, there would be funds set up to protect the City and its citizens. He stated he feels the City has taken proper steps to protect the Perry Creek basin and he would recommend approval of the subdivision with the conditions as outlined. His motion was seconded by Ms. Babb. Ms. Babb indicated that in seconding the motion she would like to point out the fact that permits of package treatment plants are granted by the State and all the City can do is to build in all the protection it feels it can. Mr. Walters stated however, subdivisions are granted by the City and he is not convinced that there are no problems with sewer package plants. He stated if we have plants that are malfunctioning in the area now, there is not reason to expect this one to work properly. He stated he feels that we should delay this until after the June 21 meeting. Mr. Keller stated he would support Mr. Walters in his position. He indicated this is adjacent to our water supply and unless we can come up with a permanent protection for our water supply, he would have to continue voting against subdivisions in this area. Mr. Upchurch indicated he too is concerned about this type planning. He indicated he feels very strongly that below the dam that the City should be very careful on what they are doing. He indicated another thing that bothers him is the action taken on Camp Durant and the fact that we are piping around the camp. He stated it bothers him that we can go so far in protecting public property and he feels we should go the same distance in protecting private property. Mr. Jordan made a substitute motion THAT SUBDIVISION S-27-83 - DURANT TRAILS BE REFERRED BACK TO THE PUBLIC WORKS COMMITTEE FOR FURTHER STUDY. His substitute motion was seconded by Mr. Calloway. Mr. Edwards indicated he had no problem with matter being referred back to Committee, but questioned if a subdivision meets all of City standards and requirements if the City has the right to turn the project down. The City Attorney indicated if a development meets all the City subdivisions standards, the City has no right to turn it down. Lengthy discussion took place with the work and planning in this area. The 201 Plan that calls for pump stations in the Perry Creek area, the possibility of paralleling the line down the Neuse River and the long-range planning and what steps the City has taken was discussed at length.

Assistant City Manager Benton gave a brief history on the work and planning that has gone on and is ongoing in this area, pointing out Perry Creek is in the 201 Facilities Plan. He indicated the Council has asked Administration to revise and develop a long-range plan for providing for growth and service to this area. He indicated the staff is taking the 201 and developing it further, pointing out they are 30 to 45 days away from completing this work. Ms. Babb indicated she thinks everyone understands it is going to be very expensive but we have got to have a plan. After brief discussion, the motion to refer the item back to Public Works Committee was put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

FALLS OF NEUSE DEVELOPMENT - DEVELOPMENT POLICY - RESOLUTION ADOPTED

Mr. Upchurch indicated Council Members received in their Agenda packet a proposed RESOLUTION CALLING FOR A UNIFIED WATERSHED PROTECTION TO PROTECT WATER QUALITY IN THE FALLS OF NEUSE RESERVOIR WHICH IS RECOMMENDED FOR ADOPTION. On behalf of the Committee he moved the resolution be adopted. His motion was seconded by Mr. Edwards.

Mr. Upchurch indicated he is a little bit concerned about this action pointing out the resolution is similar to the one passed by Triangle J in which Joe Grimsley responded by setting up a meeting to work on the total Neuse River basin. He indicated the City of Raleigh is addressing the area above the dam. He stated in transmitting this resolution to the State, he would like to indicate that basically the City of Raleigh is concerned with the Falls Lake area and the Cities above us that do not have regulations. He stated the City is thinking about the City of Raleigh's water supply. He indicated the counties that are in the head waters of the Neuse should be involved. He indicated when we forward the resolution to the Mr. Grimsley, he feels that we should tell him that we are interested in entire Neuse River basin but our concerns relate to the tributaries, etc. into Falls Lake. Ms. Babb indicated that she didn't think that she and Mr. Upchurch were disagreeing but it concerns her that the tone of the letter does not indicate that the City of Raleigh is concerned with its water supply only that we should be concerned with whole Neuse River basin. She indicated she knew our primary concern relates to our backyard but she feels the City must be concerned with the long-range planning of the entire Neuse River. Discussion took place on Senator Thomas's actions. The study he is calling for and the actions of the General Assembly relating to the Neuse River, study, etc.

Mayor York read the letter from Joe Grimsley relating to the meeting to study the problems and concerns relating to the entire Neuse River. Discussion took place after which Mr. Upchurch MOVED ADOPTION OF THE RESOLUTION. His motion was seconded by Ms. Babb. Ms. Babb indicated she had no problems with the resolution but she did have concerns about the transmittal letter and she did not want anyone to feel that Raleigh is concerned with Raleigh only. She indicated Senator Thomas has been worrying about the lower Neuse River for quite sometime. The motion as stated was put to vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 250.

BEAUTIFICATION/LANDSCAPING AWARDS - POLICY ADOPTED: HARRIS WHOLESALE TO BE INVITED TO JUNE 21 MEETING

Council Members received in their Agenda packets a proposed procedure for an awards program which is recommended for adoption. It is further recommended that an award be presented to Harris Wholesale Company at the June 21, Council Meeting for their work on property adjacent to the Downtown Boulevard. On behalf of the Committee Mr. Upchurch moved the recommendation be upheld pointing out the Committee is recommending that we start this program with the award to Harris Wholesale. He indicated in presenting the award to Harris Wholesale, the Council could explain that this is an ongoing program. The motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

COMMITTEES, COMMISSIONS AND BOARDS - POLICY - RESOLUTION ADOPTED

Mr. Upchurch indicated the Committee RECOMMENDS ADOPTION OF THE POLICY OF THE CITY OF RALEIGH'S COMMITTEES, COMMISSIONS AND BOARDS. He indicated Council Members received a copy of the proposed policy in their Agenda packet. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 262

A RESOLUTION TO ESTABLISH POLICY FOR CITY OF RALEIGH COMMITTEES, COMMISSIONS AND BOARDS

WHEREAS, the City Council of Raleigh appoints a number of special committees to address issues of concern and importance to the City; and

WHEREAS, among the many duties of these groups, it is necessary that each committee be cognizant of local, state and national legislation which could affect the citizens of Raleigh.

WHEREAS, periodically, issues are raised at the State and national level which a committee concludes that City Council should be aware of and the issue warrants that an official position should be taken by the City of Raleigh: NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. When the above conditions are identified by a Council Committee and it desires that the City of Raleigh take an official position on an issue, the committee shall forward a proposal for action to the City Council.

Section 2. The City Council would receive committee proposals through its regular Council meeting agenda process and determine the official position of the City of Raleigh after receiving the pertinent information.

Adopted: 6/7/83

TEXT CHANGE 242 - PROPOSED ZONING PROCEDURE - PUBLIC HEARING AUTHORIZED FOR JULY

Mr. Upchurch reported the Committee recommends that this text change, which will give proponents and opponents equal time to present their viewpoints at zoning hearings, be scheduled for public hearing with the July zoning cases. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Keller. Mr. Upchurch indicated this just gives both parties, the proponents and opponents equal time to present their case. Mayor York indicated he had never heard that this was a problem. Brief discussion took place and the motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TEXT CHANGE 234 - NEW ZONING PROCEDURES - ORDINANCE ADOPTED

Mr. Upchurch indicated Council Members received in their Agenda packet a proposed ordinance relating to the new zoning procedures. On behalf of the Intergovernmental Committee, Mr. Upchurch moved adoption of the text change as presented. His motion was seconded Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) - 129 TC 187

AN ORDINANCE TO AMEND SECTION 10-2113 OF THE RALEIGH CITY CODE RELATING TO PROCEDURES FOR ZONING AMENDMENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Subsection 10-2113(b) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(b) Three (3) copies of the application for change of the zoning of a piece of property or of a district must be filed in the Planning Department during the months of January, March, May, July, September, or November, accompanied by a seventy-five dollar ($75.00) filing fee. Regular zoning hearings will also be held in January, March, May, July, September, and November, but no zoning hearings will be conducted on any application during the same month in which the application is filed. Special zoning hearings may be scheduled at the discretion of the City Council.

In the case of an application for a district change, a current original-scale Wake County Tax Map; an illustration of the requested zoning change on a current copy of the City Official Zoning Map; and any further information which may be required to identify the property for which the zoning change is applied, such as a property boundary survey, must be filed along with this application.

In addition to the maps and the information required in the application, the applicant must supply all of the names; mailing addresses; and current Wake County tax parcel numbers of all of the property owners included in the proposed change, and of all the property owners within one hundred (100') feet on all sides of the proposed change (not counting street right-of-ways). All property owners contiguous to the parcel, lot, or tract proposed to be rezoned, but not within 100 feet, shall also be included in the list of adjacent property owners. The names of all the above property owners shall be shown on their respective parcels on the accompanying tax map(s)."

Section 2. The first sentence of subsection 10-2113(c) of the Raleigh City Code is hereby amended to replace "fifty dollars ($50.00)" with the following, "seventy-five dollars ($75.00)."

Section 3. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 4. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or

application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160-A-175.

Section 7. This ordinance shall become effective June 22, 1983.

ADOPTED: 6/7/83

EFFECTIVE: 6/22/83

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

PROFESSIONAL SERVICES CONTRACT - MOORE SQUARE/CITY MARKET AREA - APPROVED

Mayor York indicated Council Members have received proposed contracts for professional services with Cranston Development Corporation and Zuchelli, Hunter & Associates, Incorporated. The proposed contracts are dated June 1, 1983. The Downtown Committee recommends approval of these two contracts as submitted. On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Walters indicated he would support the motion, but he is not comfortable with action of Council. Brief discussion took place relative to the source of funding. City Manager Zachary indicated the source of funding would be from Community Development funds. He indicated the Council has approved $76,000 going into the development of Market Plaza from regular CD funds. He stated tonight, we are going to have a hearing on the new Jobs Bill appropriations. He indicated if we transferred the $76,000 from the Market Plaza funds then appropriate $76,000 of the Jobs Bill program to Market Plaza, $100,000 from program income and $3,000 from miscellaneous Council Capital Reserve Funds, that would give us a total of $179,000 needed to approve these contracts. Brief discussion took place and it was agreed to hold the funding until after the public hearing at tonight's meeting. The motion to approve the contracts with Cranston Development and Zuchelli, Hunter & Associates was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

During the night portion of the meeting, discussion took place relative to funding of the two contracts. After discussion, it was agreed to appropriate $76,000 from City Council contingency, $100,000 from CD Program income, and $3,000 from miscellaneous Capital Reserve. See Resolution 247 TF 44 and Ordinance 124 TF 20.

ORDINANCE NO. (1983) 123

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Budget Ordinance be amended as follows to utilize unappropriated program income for Zuchelli Hunter and Cranston Study on the Festive Retail Project:

Revenue:	43-1-4000-1-1	Program Income	$100,000.00
Expense:	43-2-4050-106	Festive Retail Study	$100,000.00

Adopted: 6/7/83

REPORT AND RECOMMENDATION OF THE ARTS COMMISSION

GRASSROOTS ARTS PROGRAM GRANTS - APPROVED

John Parker, Chairman of the City of Raleigh Arts Commission, was at the meeting and indicated the Grants Review Committee of the City of Raleigh Arts Commission has made a determination on the 1983/84 Grassroots Arts Program funds. He stated the Council received this information in their Agenda packet and he would be glad to answer any questions. Mr. Jordan MOVED CONCURRENCE WITH THE ARTS COMMISSION'S RECOMMENDATION ON THE 1983/84 GRASSROOTS ARTS PROGRAM FUNDS. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

SURPLUS PROPERTY - LOT 299/COUNTRY CLUB HILLS - AUTHORIZED FOR SALE

Mr. Walters reported the Real Estate Committee RECOMMENDS THAT CITY OWNED LOT 299 IN COUNTRY CLUB HILLS ON ALAMANCE DRIVE BE OFFERED FOR SALE AT A MINIMUM BID OF $20,500 THROUGH THE UPSET BID METHOD. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

BUCKEYE GREENWAY TRAIL - CITY TO RETAIN PROPERTY

Mr. Walters reported the Real Estate Committee recommends THAT THE CITY RETAIN ALL OF THE PROPERTY OWNED AT THE INTERSECTION OF CRABTREE AND RALEIGH BOULEVARD TO BE USED IN CONNECTION WITH THE BUCKEYE GREENWAY TRAIL. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Keller and a put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE WORK SESSION

MASS TRANSIT - OPERATING DEFICIT/LEVEL OF COMMITMENT - RESOLUTION ADOPTED

Council Members received in their Agenda packet a proposed policy regarding the operating deficit and the level of commitment by the City as it relates to the Mass Transit Division. Mr. Edwards MOVED ADOPTION OF THE RESOLUTION AS PRESENTED. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 251

A RESOLUTION TO ESTABLISH CITY COUNCIL POLICY FOR FUNDING CAPITAL AREA TRANSIT

I. General

Capital Area Transit is a proprietary public service which shall be designed to provide public transit service to the citizens of Raleigh.

II. Fares

The various fares to ride Capital Area Transit shall be established and structured by the Transit Authority so as to collectively affect a ratio "Farebox Revenues" to "Operating Cost" no less than 0.40. Following the end of each October, the Administration will determine the current annualized ratio of "Farebox Revenues" to "Operating Cost". If it is below 0.40, then the Authority shall adjust the fare structure and/or service to acheive a projected ratio of 0.40 for the subsequent fiscal year.

III. Municipal Funding

Local funding by the City of Raleigh for Capital Area Transit shall continue to be provided at a level necessary to match Federal funding as long as Federal funding is sufficient to subsidize one-half (1/2) of the operating deficit. City funding will be increased based on two criteria:

A. Existing Service - the City will fund its 50% share of the increased operating deficit resulting from inflation for the currently funded system for any given fiscal year.

B. Expanded Service - the percent increase in the City's share of the deficit for any proposed, expanded service will not exceed the percent increase in the total property tax valuation experienced in the preceding fiscal year (excluding reevaluation), and the proposed service will not reduce the systemwide "Farebox Revenues" to "Operating Cost" Ratio below 0.40. Administration will project revenues based upon ridership expected six months after the service expansion.

IV. Federal Funding

Federal funding is currently sufficient to subsidize one-half (1/2) of the operating deficit. In the event this level and proportion of Federal support decreases, reductions to the level of service and/or increases in transit fares will be made by the Transit Authority to absorb one-third (1/3) of the decrease in Federal funding. Two-thirds (2/3) of the decrease in Federal funding will be offset by increased Municipal funding.

V. Definitions

A. Operating Cost (Section II) - the term identified as "eligible operating expenses" in the Urban Mass Transportation Administration (UMTA) Project Budget. This includes all expenses eligible for Federal operating assistance.

B. Operating Deficit (Section III and IV) - the term identified as "net project cost" in the UMTA Project Budget. This is the eligible operating expenses less fare box revenues.

C. Revenue Cost Ratio (Section III-B) - the ratio of farebox revenues to the variable operating costs associated with a particular route.

April, 1983

Adopted: 6/7/83

HILLSBOROUGH STREET TASK FORCE - INFORMATION RECEIVED

It was reported during Work Session the Council referred the Traffic Study prepared the Department of Transportation to the Hillsborough Street Task Force for their review and comments. The item was received as information.

NORTH PLANNING DISTRICT UPDATE - PUBLIC HEARING AUTHORIZED FOR JUNE 21

During Work Session, IT WAS RECOMMENDED THAT A PUBLIC HEARING BE SCHEDULED BEFORE THE CITY COUNCIL AND THE PLANNING COMMISSION FOR JUNE 21 TO CONSIDER THE NORTH PLANNING DISTRICT UPDATE AS PRESENTED. Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CAPITAL IMPROVEMENT PROGRAM - FY 83/84 - 1987/88 - APPROVED AS AMENDED

During Work Session, IT WAS RECOMMENDED THAT THE COUNCIL ADOPT A RESOLUTION APPROVING THE CAPITAL IMPROVEMENT PROGRAM FOR FY 1983/84 THROUGH 1987/88 AS AMENDED AT THE SPECIAL WORK SESSION. Council Members received a copy of the proposed resolution in their Agenda packet. Mr. Upchurch moved adoption of the resolution as presented. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) - 252

A RESOLUTION ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 1983-84 THROUGH 1987-88.

WHEREAS, a proposed Capital Improvement Program for Fiscal Years 1983-84 through 1987-88 was presented to the City Council on April 5, 1983; and

WHEREAS, the proposed Capital Improvement Program describes major capital projects, funding schedules, and a capital financing plan recommended by the City Administration; and

WHEREAS, the Capital Improvement Program provides a comprehensive framework for accomplishing needed public improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the document titled "Capital Improvement Program, 1983-84 through 1987-88" and dated April, 1983, is adopted as amended in Section 2 below, as a policy to guide capital budgeting, financial planning, schedules for project design and land acquisition, and other activities related to the accomplishment of capital projects.

Section 2. That the document titled "Capital Improvement Program, 1983-84 through 1987-88" and dated April, 1983, is hereby amended as follows:

a. T-6. Atlantic Avenue Connections. Postpone funding for one year.

b. T-13. New Hope Church Road. Postpone funding for one year for all years except 1983-84.

c. Add T-24. Eastern Boulevard: From Garner Road near East Street to Poole Road. Funding of $2,035,000 scheduled for 1986-87.

d. Add T-25. Raleigh Boulevard: From New Bern Avenue to Rock Quarry Road. Funding of $1,240,000 scheduled for 1986-87.

e. Add list of projects recommended for State funding as follows:

(1) Dawson - McDowell Extension

(2) Hammond Road

(3) Garner Road widening from Bloodworth to City limits

(4) Six Forks Road widening, Beltline to Rowan

(5) Glenwood Avenue improvements at Crabtree Valley

(6) Western Boulevard Extension to Dawson/McDowell

(7) Lane Street connection to North Street

(8) St. Mary's Street and Wade Avenue intersection improvements

(9) North Boulevard signal improvements

(10) Glenwood Avenue and St. Mary's Street intersection improvements

(11) Millbrook Road extension to Shelley Road

(12) Western Boulevard widening

(13) Wade Avenue widening from Oberlin to St. Mary's

(14) Lake Wheeler Road widening from South Saunders to City limits

(15) Millbrook Road and Six Forks Road intersection improvements

(16) Carolina Pines Avenue railroad crossing signals

(17) Tryon Road extension to Rock Quarry Road

(18) Poole Road widening from Cooper Road to Raleigh Beltline

f. ST-2. Street Improvement Program. Increase funding in 1986-87 by $600,000 (for Cross Link Road improvements).

g. Add ST-9. Industrial Access Roads. Funding scheduled for 1983-84 at $250,000 and 1984-85 at $250,000.

h. Modify funding plans to increase funding from new bonds or from a Capital Reserve Fund to cover the costs of added street projects.

i. Add $335,000 in 1983-84 to funding for R-4, Green Road Park to provide additional funds for a community center.

j. Modify project description for R-10, Glen Eden Park to include completion of park elements in the following order of priority; neighborhood center, parking, decks, bridges, pond stabilization, trails, and basketball court.

k. Postpone funding for R-42, Northeast Area Park, until 1987-88.

l. Postpone funding for R-57, Parking Lot Resurfacing, at Lions and Jaycee Parks until 1987-88.

Section 3. That the adopted Capital Improvement Program supersedes all previously adopted Capital Improvement Programs.

Section 4. That the adopted Capital Improvement Program may be amended by the City Council with budgetary actions or other actions related to the authorization of specific projects and by the adoption of future Capital Improvement Programs.

Adopted: 6/7/83

COUNCIL TRAVEL REQUEST - CONCURRED WITH

During Work Session, IT WAS RECOMMENDED THAT THE COUNCIL CONCUR WITH COUNCILMAN JORDAN'S REQUEST TO TRAVEL AT CITY'S EXPENSE ALONG WITH THE CITY ATTORNEY TO ATTEND THE TRANSPORTATION AND COMMUNICATION STEERING COMMITTEE OF THE NLC IN WASHINGTON, D.C. ON JUNE 3 and 4. By general concensus, the Council concurred with the request.

Councilman Jordan presented the Mayor and Council Members with a memo dated June 7, 1983, entitled "National League of Cities Transportation and Communications Steering Committee Meeting." He stated this is a report on the meeting he attended and he would be glad to answer any questions. Mr. Jordan indicated he just does not believe that a bill relating to Cablevision will go through Congress this year, but he believes that it is forthcoming in the future. The item was received as information.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

NEW BERN PLACE PROJECT REZONINGS - PUBLIC HEARING AUTHORIZED ON 214 NEW BERN PLACE

There are several rezoning recommendations in the New Bern Place Plan adopted by Council on April 5. Many of these involve property which the City will purchase in or about September and these rezonings may be deferred until that time.

One property that the City will not acquire within the proposed rezoning area is the Montgomery House at 214 New Bern Avenue. The owners concur in seeking the proposed rezoning as soon as possible. Therefore, it is recommended that Council initiate the rezoning of this property itself and authorize its inclusion in the July hearings.

Planning Director Chapman presented a map of the New Bern Place plan. He explained that this plan was adopted by the Council on April 5 and part of the plan called for rezoning on some of the properties. He explained the proposed rezonings. He indicated that the City owned properties or properties that will be acquired by the City will be presented for rezoning in the next quarterly zoning hearing. He stated however, the Montgomery House at 214 New Bern Avenue is under private ownership and the owners concur with the Staff's request THAT THE CITY AUTHORIZE THE FILING APPLICATION FOR REZONING OF 214 NEW BERN PLACE FOR THE JULY ZONING HEARING. He indicated this would be a Council initiated request that would have the owner's concurrence. In response to questioning from Mr. Walters, Mr. Chapman indicated the property lines have been changed to reflect the actual property lines. Mr. Walters

moved that Administration recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

STREET LIGHTING STUDY - REFERRED TO PUBLIC WORKS COMMITTEE

The City Council approved, at their meeting of May 3, 1983, conducting a study of street lighting costs by consultants. The Council appropriated $15,000 for carrying out the study.

Pursuant to Standard Procedure 100-5, Section 5.1.2, Administration is proceeding with solicitation for professional services.

City Manager Zachary had recommended that this item be referred to an appropriate Committee for review of proposals once they are received. Mr. Edwards MOVED THAT THE STREET LIGHTING STUDY ITEM BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

N.C. DEPARTMENT OF HUMAN RESOURCES - PUBLIC HEARING RELATING TO ITT - INFORMATION RECEIVED

We have received from the State of North Carolina Department of Human Resources information regarding the permit application and public notice of hearing for ITT Telecommunications Corporation (NCD003185238) of 2912 Wake Forest Road in Raleigh. ITT is both a storer and treater of hazardous waste and as such must hold a permit from the State to operate.

The hearing on the ITT permit application will take place at 2 p.m., July 8, in the Highway Building Auditorium, 1 South Wilmington Street, Raleigh.

Following the hearing, the State has three options: 1) to grant the permit as drafted; 2) to grant the permit, with changes; or 3) to deny the permit.

Additional information was included in Council Members' Agenda packets. Without comment, the item was received as information.

LAKE JOHNSON - BUILDING PERMIT - INFORMATION RECEIVED

A building permit request has been received from Jerry Turner and Associates for Lot No. 96 on the Lake Johnson map, which will be available at the Council Meeting. This request was referred to the Real Estate Committee and they recommended issuing the permit, which has been done. Without comment, the item was received as information.

BID 82-61 - SURPLUS EQUIPMENT SALE - JOINT AWARD MADE

Pursuant to advertisement as required by law, bids received and publicly open in the Office of the Purchasing Agent on June 1, 1983, for the sale of surplus vehicles and equipment. ADMINISTRATION RECOMMENDS THAT THE HIGH BIDDER RECEIVE THE AWARD IN EACH OF THE FOLLOWING CASES. Mr. Upchurch moved that administration's recommendation be upheld. His motion was seconded by Mr. Edwards and put to a roll call vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

The description and bid amount of these vehicles and equipment is as follows:

ITEM NO.	DESCRIPTION	HIGH BIDDER	AMOUNT
1	1975 Plymouth	Riverside Auto	310.00
2	1975 Plymouth	Martin's Auto	246.50
3	1975 Plymouth	Martin's Auto	246.50
4	1975 Plymouth	Larry Beaver	360.00
5	1977 Plymouth	Riverside Auto	375.00
6	1976 Plymouth	Martin's Auto	325.00
7	1975 Chevrolet Vega	Martin's Auto	177.50
8	1976 Chevrolet Vega	Riverside Auto	225.00
9	1975 Chevrolet Vega	Martin's Auto	177.50
10	1972 Chevrolet Nova	Martin's Auto	325.00
11	1975 Chevrolet Nova	Cary Used Cars	276.89
12	1977 Chevrolet Vega	Larry Beaver	276.00
13	1974 Ford Pinto	Louis Creech	202.00
14	1974 Chevrolet Vega	Larry Beaver	366.00
15	1975 Chevrolet Vega	Martin's Auto	177.50
16	1972 Chevrolet Nova	Riverside Auto	265.00
17	1973 Plymouth Valiant	Cary Used Cars	289.89
18	1968 Plymouth Valiant	Rigsby Auto	162.00
19	1975 Chevrolet Vega	David Harris	208.00
20	1972 Chevrolet Nova	Riverside Auto	235.00
21	1976 Chevrolet Vega	Martin's Auto	177.50
22	1975 Chevrolet Vega	Cary Used Cars	262.88
23	1977 International 2 ton	Cary Used Cars	1,852.88
24	1975 Chevrolet 2 ton	John Davis	1,251.51
25	1975 Chevrolet Truck	Jordan Used Cars	400.00
26	1969 Chevrolet Pickup	Riverside Auto	410.00
27	1963 Chevrolet Bus	Riverside Auto	400.00
28	1977 Cushman Scooter	Martin's Auto	415.00
29	1977 Cushman Scooter	Larry's Used Cars	350.00

ITEM NO.	DESCRIPTION	HIGH BIDDER	AMOUNT
30	1968 Ford Rotary Mower	Larry's Used Cars	100.00
31	1976 American Mower	Larry's Used Cars	12.00
32	1982 American Mower	David Harris	60.00
33	1982 American Mower	David Harris	51.00
34	1979 Aircap Mower	Larry's Used Cars	12.00
35	1977 Woods Mower	Larry Beaver	111.00
36	1982 American Mower	David Harris	73.00
37	1977 American Mower	David Harris	30.00
38	1977 Yazoo Riding Mower	Larry's Used Cars	250.00
39	1977 Toro Riding Mower	Larry's Used Cars	250.00
40	1977 Toro Riding Mower	Larry's Used Cars	250.00
41	1977 Toro Riding Mower	Larry's Used Cars	250.00
42	1976 Stone Stomper	Larry Beaver	23.50
43	1974 Kelly Power Rammer	Larry Beaver	26.99
44	Thor Jack Hammer	William Costin	12.00
45	Jack Hammer	William Costin	32.00
46	Ingersoll Rand Spade	William Costin	12.00
47	Ingersoll Rand Air Spade	William Costin	12.00
48	Lot (6) Snow Plow Pumps	William Costin	28.00
49	Boiler Unit-Incomplete	Larry Beaver	11.01
50	Heater-Carrier Natural Gas	William Costin	2.00
51	Gas Heater	William Costin	2.00
52	Water Cooler-G.E.	David Harris	11.00
53	Lot (4) Siegler Heaters	Louis Creech	2.02
54	Hot Water Heater	Louis Creech	2.02
55	Lot (4) Lockers-Penco	Larry Beaver	7.51
56	Lot (6) Lockers-Penco	Larry Beaver	3.51
57	Lot (1) Locker-Rep. Steel	William Costin	2.00
58	Executone Speaker System	William Costin	2.77
59	G.E. Air Conditioner	David Harris	13.00
60	Sears Air Conditioner	Dean Gaskins	10.25
61	Fedders Air Conditioner	David Harris	15.00
62	Gibson Air Conditioner	David Harris	20.00
63	Tailgate Spreader	Louis Creech	5.05
64	Tailgate Spreader	Louis Creech	5.05
65	Salt Spreader 63 Rex	Louis Creech	3.03
66	Salt Spreader	Louis Creech	3.03
67	Platform Scales	Larry Beaver	16.01
68	Lot (Sea) Gas Wall Heaters	Dean Gaskins	15.20
69	Gas Space Heater	Dean Gaskins	5.20
70	Sears Air Conditioner	Dean Gaskins	10.25
71	Harness Wooden Floor Loom	Larry Beaver	7.51
72	Burroughs Adding Machine	Larry Beaver	1.01
74	220 ea. Cannister Gas Mask	Larry Beaver	27.51
75	70 ea. Riot Helmets	Larry Beaver	27.51
76	100 ea. Wooden Nightsticks	J. L. Hamm	26.00
77	35 ea. Silver Flashlights	Larry Beaver	3.61
78	50 ea. Leather Parking Ticket Holders	Larry Beaver	6.01
79	15 ea. Metal Citation Pads	Larry Beaver	4.71
80	10 ea. Small Parking Ticket Holders	Larry Beaver	3.51
83	5 ea. RCA Hand Radios	Dennis Brown	125.00
84	35 ea. Aerotron Radios	J. L. Hamm	226.00
85	10 ea. Aerotron Chargers	J. L. Hamm	96.00
86	55 ea. Handcuff Holders-Strap	Larry Beaver	7.51
87	40 ea. Leggins	Larry Beaver	4.76
88	70 ea. Trousers-Green	J. L. Hamm	22.00
89	15 ea. Jackets-Green	J. L. Hamm	8.00

CETA BUDGET AMENDMENTS - APPROVED

The Agenda indicated the City has adopted an Administrative budget relating to CETA. The proposed amendment is to take the Administrative portion ($91,439) from the Summer Youth Employment Program ($457,196) and adjust the current Administrative budget. The Agenda outlined the current and proposed budget. The Agenda also indicated it is necessary to amend the current budget by including a new appropriation relating to the Summer Youth Employment Program. The Agenda listed the budget accounts that would have to be amended. Without discussion, Mr. Upchurch MOVED APPROVAL OF THE BUDGET AMENDMENTS RELATING TO CETA AS OUTLINED ON THE AGENDA. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 130

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 CETA fund budget appropriations be amended as follows to reflect increase in Summer Youth funding:

Revenue:

03-1-5700-100	82/83 SYP	$456,023.00

Expenditure:

03-2-5700-131	Salaries - SVCS	$ 28,924.66
03-2-5700-132	Fringes - SVCS	2,523.32
03-2-5700-133	Travel - SVC	1,500.00
03-2-5700-109	Allowances	64,320.00
03-2-5700-112	Summer Wages	292,036.25
03-2-5700-118	Summer Fringes	22,486.80
03-2-5700-121	Non-Wage Fringes	643.20
03-2-5700-129	Training	1,680.00
03-2-5700-200	Recog. & Awards	3,000.00
03-2-5700-534	Contingency	38,908.77
	Total	$456,023.00

Adopted: 6/7/83

CENTRAL TRANSFER POINT - ENGINEERING/ARCHITECTURAL PROPOSALS - REFERRED TO DOWNTOWN COMMITTEE

The Agenda indicated Administration is soliciting proposals for engineering services relating to the central transfer point and request the Council to refer the matter to an appropriate committee for review of the proposals once they are received. WITHOUT OBJECTION OR DISCUSSION THE MATTER RELATING TO THE CENTRAL TRANSFER POINT AND PROJECT MANAGER WAS REFERRED TO DOWNTOWN COMMITTEE.

ADDENDUM

HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE - ANNUAL REPORT - REFERRED TO WORK SESSION

The Agenda indicated Roland Gammon, the new Chairman of the Human Resources and Relations Advisory Committee, had previously requested to be placed on the June 7 Agenda; however, he would now like for his presentation to be at the June Work Session. Mr. Edwards MOVED THAT THE ANNUAL REPORT OF THE HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE BE REFERRED TO WORK SESSION AS REQUESTED. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SEWER SERVICE CHARGE - REQUEST FOR REFUND - AUTHORIZED

Administration recommends a refund of $302.53 previously paid for sewer service charges at 1308 Kintyre Circle. Council Members received additional information on this item in the Agenda packet and APPROVAL OF THE REFUND IS RECOMMENDED BY ADMINISTRATION. Mr. Edwards moved that Administration's recommendation be upheld which was seconded by Mr. Upchurch and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ZONING HEARINGS - JULY - SCHEDULED REAFFIRMED

It was pointed out the Planning Department has received 30 map change requests and two text change requests for the July hearing. In following their normal procedure, Administration recommends that the City Council schedule a public hearing for Tuesday evening, July 5, and Tuesday evening, July 19, and schedule the Council Zoning Tour for June 30 from 8 a.m. to 11 a.m. City Manager Zachary indicated he just wanted to make sure that this is the Council's desire, pointing out in April, there was a proposal to have a trial procedure. Mr. Upchurch indicated after July, we will go to the new schedule, but in July, the manager's recommendation should be upheld. Without objection, it was agreed that there would be two zoning hearing in July - July 5 and 19 - with the tour being scheduled for June 30.

RESEARCH TRIANGLE INSTITUTE - CONTRACT EXTENSION - AUTHORIZED

The Research Triangle Institute requested a sixty day extension of their contract for preparing an economic base study. With this extension the final report will be delivered on August 31, 1983 instead of June 30, 1983. The request is for an extension of time only. No additional funds are being requested. While this extension will add a slight delay to our thoroughfare planning effort, with added involvement of the Steering Committee, the City will be obtaining some information as we proceed. Council Members received additional information in their Agenda packet. ADMINISTRATION RECOMMENDS THAT THIS REQUEST BE APPROVED. Mr. Calloway moved Administration's recommendation be upheld which was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

STREET CLOSING - WESTBURY DRIVE - RESOLUTION OF INTENT ADOPTED

The staff has received and is processing a street closing request for Westbury Drive. Because this street closing affects a recently approved townhouse project (S-36-83, Glen Valley), Administration recommends that the process be speeded up in order not

to delay the construction of this project. The staff has not received all comments needed to make a recommendation but feels there is enough justification to recommend that the City Council ADOPT A RESOLUTION OF INTENT OF CLOSING AND SCHEDULE A PUBLIC HEARING ON THIS MATTER FOR JULY 19, 1983. The staff will have time to finish its review and will make its comments to the Council at that meeting. Mr. Edwards moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 253

A RESOLUTION OF INTENT TO CONSIDER CLOSING WESTBURY DRIVE AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street:

Westbury Drive (Northwest part)
the last 150.9'

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, July 19, 1983, in the Council Chamber, Room 315, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by registered certified mail to all owners of lots abutting on the above-named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 6/7/83

Publication Dates: June 27, 1983, July 4th, 11th, & 18th, 1983

HUD 202 PROJECT - LAODICEA UNITED CHURCH - NO OBJECTION VOICED

The City has been advised that Laodicea United Church of Christ is making a proposal to HUD for a project under the 202 program to construct 40 units for the elderly and the handicapped. The proposed project site is located on Cross Link Road near Old Garner Road on the north side of the street. One of the things required by HUD is that the City, County and State officials support the project. They request a letter of support for the project by the City. Mr. Calloway MOVED THAT THE CITY VOICE FOR SUPPORT OF THE PROJECT AS OUTLINED. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CENTRAL SERVICES COST ALLOCATION PLAN - CONTRACT - AUTHORIZED

The City has contracted with David M. Griffith and Associates to do a central services cost allocation plan for the past several years. Substantial recovery of indirect cost has resulted from the application of those plans to federal programs. In order to continue a valid cost recovery program, it is necessary to have the plan redone for the year ended June 30, 1982. (1983 update) Administration REQUEST THAT A CONTRACT FOR $9,000 BE APPROVED BY THE COUNCIL AND THAT THE MAYOR BE AUTHORIZED TO SIGN IT. This fee includes a successfully negotiated rate with the Department of Labor. Mr. Edwards moved Administration recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 124 TF 20.

S-61-82 - QUEENSBURY SUBDIVISION - EXPIRATION EXTENDED UNTIL JUNE 15, 1984

Pursuant to Raleigh City Code Section 10-3071(b)(5)(c), the City has received a request that the expiration date for the Queensbury PUD be extended for one year beyond the date of approval or until June 15, 1984. This one year extension is requested because the development has been delayed due to unresolved legal problems that were beyond the control of the developer. It is anticipated that development will be able to commence within the requested extension. City Manager Zachary indicated that this is the first time the Council has received such a request he believes and the City Attorney may wish to comment. City Attorney McCormick indicated the code requires a written request and that has been done and so the Council can grant the extension if they so desire. Mr. Edwards MOVED APPROVAL OF THE EXTENSION RELATING TO QUEENSBURY SUBDIVISION S-61-82 AS REQUESTED. His motion was seconded by Mr. Jordan and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RALEIGH LITTLE THEATRE - BOARD OF DIRECTORS - CONFIRMED

Mayor York has received a list of nominees for the 1983-84 Board of Directors for the Raleigh Little Theatre. Council Members received a list and a cover letter from

Linda Bamford, Business Manager for Raleigh Little Theatre, dated May 24, 1983, outlining the board. The list of nominees is submitted for approval by the City Council. Mr. Upchurch MOVED CONFIRMATION OF THE BOARD OF DIRECTORS FOR THE RALEIGH LITTLE THEATRE FOR FY 83-84 AS SUBMITTED. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CETA AUDIT SETTLEMENT - REVERSAL OF DECISION - CITY AUTHORIZED TO PAY

The Addendum indicated on the June 3, the City received a telephone call from the Department of Labor which reversed the decision to allow the City to repay this allowed cost from our indirect cost allocation. On the May 3, the City Council authorized the Mayor to sign a stipulation of settlement which covered a disallowed cost of $11,884. That disallowed cost represents the amount of money over claimed as the cost of administrative services for the CETA program and FY 1980. The Department of Labor reversed its decision because of a desire for cash payments for all disallowed cost since this is the last year of the program and conceivably there may be no indirect cost available from which the federal government could recoup its funds. It was pointed out Administration has not had time to analyze this request and recommends that it be referred to a Council Committee for study and recommendation. Brief discussion took place after which Mr. Walters MOVED THAT THE CITY GO AHEAD AND PAY THE $11,884. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 124 TF 20.

CHAVIS PARK CAROUSEL - BUILDING REPAIRS - TRANSFER AUTHORIZED

It was pointed out in the regular Agenda, the City Council considered the Capital budget. That budget includes $50,000 for repairs to the Chavis Park Carousel building plus the addition of overhead doors and a sprinkler system. It was pointed out that that budget request was approved and now Administration RECOMMENDS THE PROJECT BE AUTHORIZED NOW AND THAT AN APPROPRIATION OF $50,000 FROM THE CURRENT PARKS CAPITAL RESERVE ACCOUNT BE AUTHORIZED. Mr. Edwards moved that Administration recommendation be upheld which was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 124-TF-20.

Mr. Walters indicated there was recently a dedication for the restored Chavis Park Carousel. He indicated it was a very good turnout and the City received a plaque for the restoration work. He also indicated there were several people at the dedication who were at the original dedication of the Chavis Park Carousel.

TRANSFERS WITHIN VARIOUS DEPARTMENTS - RESOLUTIONS AND ORDINANCES ADOPTED

The Addendum presented recommended transfers in the Civic Center, Parks and Recreation, Planning, Police and the City Manager's budget for purposes as stated therein. Mr. Calloway MOVED THAT TRANSFERS AND APPROPRIATIONS AS OUTLINED ON THE ADDENDUM BE AUTHORIZED. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 124 TF 20 and Resolution 247 TF 44.

TAC - INFORMATION RECEIVED

The Addendum indicated Councilman Upchurch would make a report concerning the removal of Boylan Avenue from the Raleigh/Cary/ Garner Thoroughfare plan. Mr. Upchurch indicated this was handled earlier in the day during the action on CP-2-83, therefore, no further action was taken.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

CABLEVISION - MINIMUM STANDARDS ORDINANCE - ADOPTED: FRANCHISE ORDINANCE ADOPTED ON FIRST READING

City Attorney McCormick indicated on May 31, 1983, he submitted Council Members with a proposed cable television franchise ordinance and a cable television minimum standards ordinance. He indicated since that time he had sent Council Members several pages of corrections. He went over the corrections one by one. City Attorney McCormick suggested that the Council consider minimum standards ordinance first as that is what the City would require any franchisee to do. Mayor York indicated the minimum standards ordinance is the result of some action taken at the special Council meeting. He indicated he had several questions at the special meeting that needed clarification and he had hoped that those items had been cleared up with City Attorney McCormick indicating they had. Mayor York indicated some of the questions he had related to remote control and a charge for second set. He indicated the charge for remote control has been changed from $4 to $3. He stated as far as second sets are concerned, he understands that Cablevision of Raleigh has agreed that there would be a substantial discount for second sets in promotional type campaigns. He indicated he had hope we could have this in writing and stated that we have received a letter from Mr. Doolittle setting this out. He indicated with the letter and the fact that this is a non-exclusive franchise, he has no problems with the proposed ordinance. Mr. Calloway MOVED ADOPTION OF THE MINIMUM STANDARDS ORDINANCE AS AMENDED BY THE CITY ATTORNEY AT TODAY'S MEETING. His motion was seconded by Mr. Keller.

Mr. Calloway indicated he had spoken with Mr. Doolittle relative to the training component and the affirmative action component of their company, and he has been assured that both of these will be included in the franchise. He indicated his conservation with Mr. Doolittle had satisfied him as Mr. Doolittle has indicated he will send the information to Mr. McCormick and it will supplement the ordinance and he is satisfied that this will be forthcoming. Ms. Babb indicated in reading Mr. Doolittle's letter, she sees that there are efforts to meet the Council's concern about the charge for the second set; however, this doesn't really satisfy her concerns. Ms. Babb indicated she is still a little confused on the actual charges for two sets. She indicated she feels she is an average cable subscriber, pointing out she has two TVs in her home and she subscribes to HBO and that costs her $17.95 per month and she would like to know how much that would cost under the new franchise with it being pointing out this would be about $32.00. Ms. Babb indicated she is just not comfortable with the idea of the charge for the same paid service on a second set as she feels it is excessive. She indicated she understands that there are about 1,600 households in Raleigh who have HBO and questioned if we know how many have HBO on a second set. She indicated she just wants this dialogue on the table, as she feels very uncomfortable about the $8.95 charge for the second set. Mr. Jordan questioned if the City has the authority to control rates in the future with City Attorney McCormick indicated the City would regulate the basic rates. Discussion took place as to how the pay services were figured in the return, what constitutes a pay unit, what would constitute a discount as outlined in Mr. Doolittle's letter for the second set, etc. Mr. Doolittle indicated this would be in the range from $4 to $7 off the $8.95 charge. Discussion took place as to why not reduce the charge initially rather than through promotional discounts. After other discussion, the motion as stated was put to a roll call vote which resulted in all members voting in the affirmative except Ms. Babb who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 121

DEFINITIONS.

For the purposes of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein, when not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, words in the singular number include each of the other genders. The words "shall" and "must" always are mandatory and not merely directory.

a) Access. "Access" shall mean any programming or channel designated for use by any other person other than the company.

b) Basic Services. "Basic Services" shall mean all subscriber services provided by the Grantee in one or more service tiers, including the delivery of broadcast signals, access channels and origination channels, covered by the regular monthly charge paid by all subscribers to a particular service tier, excluding optional services for which a separate charge is made.

c) City Council. "City Council" shall mean the City Council of the CITY OF RALEIGH, NORTH CAROLINA or its designee.

d) Cable Television. "Cable Television" shall mean cable television and communications.

e) City. "City" shall mean the CITY OF RALEIGH or the area within the present and future territorial city limits of the City and such territory outside of the City over which the City has jurisdiction or control by virtue of any law.

f) Cable Television Service. "Cable Television Service" shall mean the provision of improved television reception or telecommunications intelligence or entertainment services to the public for compensation or not and distributing the same by wire cable or other means to more than 50 outlets.

g) Cable Television System. "Cable Television System" shall mean a system of antennas, cables, fiber optics, wires, lines, towers, waveguides, or other conductors, converters, equipment or facilities, designed and constructed for the purpose of producing, originating, amplifying, and distributing any type of signal including, but not limited to, audio, video, and other forms of electronic or electrical signals.

h) Grantee or Franchisee or Company. "Grantee" or "Franchisee" or "Company" shall mean the person, firm, or corporation to whom a franchise, as hereinabove defined, is granted by the City Council under this article, and the lawful successor, transferee or assignee of said person, firm, or corporation.

i) Person. "Person" shall mean any person, firm, partnership, association, corporation or organization of any kind.

j) Street. "Street" shall mean the surface of and the space above and below any publicly owned or maintained property or right-of-way, street, road, highway, freeway, land, path, alley, court, sidewalk, parkway or drive, now or hereafter existing as such within the City.

k) Subscriber. "Subscriber" shall mean any person or entity lawfully receiving any portion of the Cable Television Service of a Grantee pursuant to this Ordinance.

l) FCC. "FCC" shall mean the Federal Communications Commission.

m) Franchise. "Franchise" shall mean and include any authorization granted pursuant to the Raleigh City Charter in terms of a franchise privilege, permit license or otherwise to construct, or have constructed, operate and maintain a Cable Television System. Any such authorization, in whatever term granted, and the fees charged thereunder shall neither supersede nor take the place of any license, license fee or permit authorization which might otherwise be required for the privilege of transacting and carrying on Cable Television Service under any other City ordinance licensing or regulating business within such areas.

n) Head End/Antenna Site. "Head End/Antenna Site" shall mean the land, electronic processing equipment, antennas, dishes, towers, building, and other appurtenances normally associated with and located at the starting point of a Cable Television System.

o) Gross Revenues. . "Gross Revenues" shall mean any and all compensation received by Grantee or any firm in which Grantee has part ownership as a result of the exercise of the franchise granted hereunder excluding any privilege or use taxes. "Gross Revenues" include by way of illustration, but are not limited to, regular subscriber service fees, installation fees, disconnect and reconnect fees, pay TV, leased channel revenues, advertising revenues, converter and remote control rental revenues, or any other income from the system.

p) Initial Service Area. "Initial Service Area" shall mean that geographical area within the incorporated limits of the City as of the date of acceptance of a franchise pursuant to this article.

q) Physical Mile of Plant. "Physical Mile of Plant" shall mean messenger strand as measured from pole to pole without taking into consideration sag or downguys, and for buried plant, actual trench feet.

r) Class IV Channel. "Class IV Channel" means a signal path provided by a Cable Television System to transmit signals of any type from a subscriber terminal to another point in the Cable Television System.

s) Construction Completion Date. The date, after receiving a request from franchisee, on which the City or its designee issues a certificate of completion to a franchisee. That certificate shall not be unreasonably withheld.

t) Channel. "Channel" means a 6 MHz band of frequencies in the electronmagnetic spectrum (or any other means of transmission, including but not limited to optical fibers, which is capable of carrying the equivalent signal or signals), and includes uses of all or any portion of such band of frequencies.

u) Service Package or Tier of Service. "Service Package or Tier of Service" shall mean one (1) or more communications channels which are offered as a unit by the Grantee to subscribers and for which a separately identifiable rate or charge is made.

v) Full Cable Television Service. "Full Cable Television Service" shall mean all cable television services.

w) Census Tract. "Census Tract" means the areas into which the City of Raleigh has been divided by the Bureau of Census for statistical purpose.

x) Commercial Subscriber. "Commercial Subscriber" shall mean all subscribers not defined as either residential or non-commercial.

y) Non-Commercial. "Non-Commercial" shall mean any educational or governmental institution.

z) Residential Subscriber. "Residential Subscriber" shall mean a subscriber who receives service in an individual dwelling unit or multiple dwelling, where the service is not to be utilized in connection with a business, trade or profession.

APPLICATION FEE AND APPLICATION BOND.

a) Application Fee. Applicants for a franchise hereunder shall pay a nonrefundable "Application Fee" to the CITY OF RALEIGH of ten thousand dollars ($10,000) which sum shall be due and payable to the City upon submission to the City of an application for a franchise.

b) Application Bond. Each applicant for a franchise hereunder shall submit an "Application Bond", in a form acceptable to the City Attorney or his appointee, or a certified check on a bank that is a member of the Federal Deposit Insurance Corporation, payable to the order of the City in the amount of one-hundred thousand dollars ($100,000.00).

c) Should the applicant fail or refuse to accept a franchise as provided hereunder or fail or refuse to furnish the bonds, letters of credit, and insurance policies herein, within thirty days (30) after written notification of the award of a franchise by the City, said applicant will be considered to have abandoned the proposal and the City shall enforce the Application Bond in accordance with its terms or shall retain the proceeds of the certified check.

d) Application Bonds or certified checks received in lieu thereof from applicants whose proposals are not accepted by the City shall be returned to the applicant as soon as the proposal is rejected.

e) The Application Bond or certified check of the applicant that receives the franchise shall be returned to the applicant upon filing acceptance as provided for herein.

f) The City Council shall review the applicants legal, character, financial, technical, and other qualifications and the adequacy and feasibility of its construction arrangements and its compliance with the terms of this ordinance. If the Council finds the application is in compliance with this ordinance and is satisfied with the ability of the applicant to perform and is satisfied with the legal, character, financial and technical qualifications and construction arrangements, the City shall grant applicant a franchise.

ACCEPTANCE: EFFECTIVE DATE.

a) Within thirty (30) days after the City Council has taken final action to approve the granting of a franchise, the Grantee shall file with the City Clerk a written acceptance acknowledged before a Notary Public of the conditions required for the franchise. Such acceptance shall acknowledge that the Grantee agrees to be bound by and to comply with the provision of the franchise ordinance and shall be in such form and content as to be satisfactory to and approved by the City Attorney.

b) Concurrently with the filing of the written acceptance, the Grantee shall file with the City Clerk the bonds, letter of credit, and insurance policies required by this document.

c) The effective date of the franchise shall be the date on which the Grantee files the acceptance, bonds, letter of credit and insurance policies as required herein; provided, however, if any of the material required to be filed with the acceptance or the acceptance itself is defective or fails to meet with approval, the franchise shall not be effective until such defect is cured, or such approval is obtained.

TERM OF FRANCHISE.

The duration of a franchise granted pursuant to this Ordinance shall not be more than fifteen (15) years from the effective date.

TERMINATION AND EXPIRATION OF FRANCHISE.

a) The City reserves the right to terminate, at any time, any franchise granted hereunder and rescind all rights and privileges associated therewith in the event that:

1) Grantee has not complied in some material respect with any provision of this Ordinance or of any supplemental written agreement entered into by and between the City and the Grantee; or in some material respect of any terms or conditions of any franchise or permit issued hereunder; or

2) Grantee has made a material, false statement in the application for the franchise, knowing it to be false; or

3) The Grantee, contrary to the best interest of public convenience and welfare, is not providing subscribers with regular, adequate, and proper service; consistent with the terms of any franchise granted hereunder; or

4) The Grantee becomes insolvent, enters into receivership or liquidation, files for bankruptcy or for composition of creditors, is unable or unwilling to pay his debts as they mature or is in financial difficulty of sufficient consequence so as to jeopardize the continued operation of the Cable Television System unless the Grantee is in due process of contesting such debts; or

5) Grantee violates any FCC order or ruling or the order or ruling of any other governmental body having jurisdiction over the Grantee unless the Grantee is lawfully contesting the legality of applicability of such order.

b) In event that the City shall decide to terminate for cause a franchise granted hereunder, it shall give the Grantee Sixty (60) days written notice of its intention to terminate and stipulate the cause. If during the sixty (60) day period the cause shall be cured to the satisfaction of the City, the City shall declare the notice to be null and void. In any event, before a franchise may be terminated the Grantee must be provided with an opportunity to be heard before the City Council in accordance with due process procedures. If a Grantee's franchise is terminated, the decision shall be subject to judicial review as provided by law.

c) In the event that any part of the Cable Television System is discontinued for any reason for a continuous period of 30 days or the franchise held by a Grantee to construct, operate, or maintain a Cable Television System is terminated by the City Council, pursuant to the terms of this ordinance, and all negotiations to settle the differences between the parties have failed (provided, however, that such negotiations shall not be required), the City Council may advertise and seek another Grantee to operate the system. If a franchise is granted to another person, the terminated Grantee may be required to sell the entire Cable Television System to the new Grantee at a price to be determined by three (3) competent, independent appraisers, one each appointed by the terminated Grantee, the new Grantee, and the City Council. The appraisers so appointed shall use the then-best methods of appraising to determine this value. The cost of the appraisers shall be shared equally by the terminated Grantee and the new Grantee. The terminated grantee shall execute such deeds, bills of sale and other documents as may be necessary to effectuate this sale. The terminated Grantee shall fully cooperate with these appraisers.

d) In the event of the early termination of the franchise as herein provided, the City shall have the option to purchase the cable business for the fair market value of said capital improvements. The City may also require the Grantee to sell any capital improvements as provided in this section to any successor Grantee as set forth in subsection (c) hereof. In any event, the City may require the Grantee to continue to provide service for a reasonable period not to exceed six months in order to assure uninterrupted service to subscribers.

e) The City shall give to Grantee notice of its intent to exercise the option to purchase at least ninety (90) days prior to the expiration of the term of this franchise and/or such renewals thereof as are authorized. If the franchise is terminated or expires, notice of intent to exercise the option to purchase shall be contained in the notice of intention to terminate.

f) Should the Grantee's franchise be terminated or expire, and not purchased as above provided, and at such times as the successor is ready to provide service, but no later than six (6) months from termination or expiration, the Grantee shall begin removal of all property owned by it, and placed on a public or private right-of-way unless permitted by the City to abandon said property in place. In so removing such plants, structures, and equipment, the Grantee shall refill, at its own expense, any excavation made by it and shall leave such public and private places in as good condition as that prevailing prior to the company's installation of its equipment and appliances without affecting, altering, or disturbing in any way the electric distribution or telephone cable, wire, or attachments or any poles. The City Council or other officer or his appointee, shall inspect and approve the condition of such public ways and public places and cables, wire attachments, and poles after removal. Liability insurance and indemnity provided for herein shall continue in full force and effect during the entire period of removal.

In the event of any such removal, the Grantee shall restore the public right-of-way to a condition satisfactory to the City. Upon abandonment, which shall only be done as the City directs, the Grantee shall transfer ownership of all such abandoned property to the City and submit to the City an instrument in writing, subject to the approval of the City Attorney, effecting such transfer.

If the City or the State is forced to remove the system, the work shall be done at the expense of the terminated Grantee.

TRANSFER OF CABLE TELEVISION SYSTEM.

a) No transfer of control of the Cable Television System other than a pro forma transfer to a parent or a wholly owned subsidiary corporation shall take place, whether by force or voluntary sale, lease, mortgage, assignment, encumbrance, foreclosure, attachment, merger, or any other form of disposition, without prior notice to and approval by the City Council. The notice shall include full identifying particulars of the proposed transaction and the City Council shall act by resolution. The City Council shall have sixty (60) days within which to approve or disapprove a transfer of control; if no action is taken within sixty (60) days, approval shall be deemed to have been given.

b) Notice of such transfer, together with copies of all documents pertaining thereto shall be in writing filed with the City Clerk at least thirty (30) days prior thereof and expressly conditioned upon full compliance with the terms of the franchise issued and this ordinance. The transferee shall agree in writing to comply with all provisions of this ordinance and such other provisions and requirements as the City Council might require.

c) For the purpose of this section the term "control" is not limited to majority stock ownership, but includes actual working control in whatever manner exercised. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of persons of ten (10) percent of the voting shares of the company.

d) In the absence of extraordinary circumstances, the City Council will not approve any transfer or assignment of the franchise before completion of initial construction of the energized system or within the first two (2) years of operation thereafter.

AUTHORITY GRANTED BY THE FRANCHISE.

The Grantee of any franchise granted pursuant to the provisions of this ordinance shall, subject to the conditions and restrictions set out in this ordinance, be authorized to construct or have constructed, operate, and maintain Cable Television System, and to engage in the business of providing a Cable Television Service in the City as defined herein and in the franchise ordinance and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be necessary and appurtenant to the Cable Television System; provided, however, that before any poles, wire, or other thing mentioned above is necessary and appurtenant to the Cable Television System may be placed within any street or road, the proper permission and authority to do so must be obtained by the Grantee from the City or the North Carolina Department of Transportation, or other agency or competent jurisdiction; and, in addition to use, operate, and provide similar facilities or properties rented or leased from other persons. It shall be unlawful for any telephone, telegraph, or power company or any other public utility company or person to lease or otherwise make available to any other person, any poles, lines, facilities, equipment, or other property for use in connection with the operation of a Cable Television System or Service, unless such other person holds a valid franchise granted pursuant to the provisions of this ordinance.

FRANCHISE AND OTHER FEES.

a) Within sixty (60) days after each quarter of its fiscal year, after acceptance of a franchise, the Grantee shall pay to the City for constructing, operating, and maintaining the Cable Television System as defined herein, and for the privilege of providing the Cable Television Service as defined herein during the ensuing fiscal year, a sum equal to five (5) percent of its gross revenue for its preceding quarter.

Within four (4) months after the expiration of the Grantee's fiscal year, the Grantee shall file with the City an audited financial statement prepared by a certified public accountant showing in detail the Gross Subscriber Revenues, as defined herein, of the Grantee during such fiscal year. The payment of this fee is in addition to any privilege or use tax or ad valorem taxes which the City may levy. At any time the City Council, its employee or other designated representative, shall have the right to inspect all financial documents. Acceptance of payments hereunder shall not be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under this ordinance or for the performance of any other obligations hereunder. In the event of holding over after expiration or other termination of any franchise granted hereunder, without the consent of the City, the Grantee shall pay to the City reasonable compensation and damages, of not less than one hundred percent (100%) of its total gross profits during said period.

b) Company and City of Raleigh agree that the 5% franchise fee provided for herein shall be reviewed every five years during the term of this franchise, and the franchise fee, at the sole option of the City Council, shall be adjusted upward if the City Council determines that an upward adjustment is necessary in order to maintain a franchise fee at a level consistent with:

1) Franchise fees being paid by cable television companies operating under similar conditions.

2) The costs incurred by the City in administering this franchise.

3) The value of the Company's right to use City streets and public easements.

4) Any applicable statutes, laws, rules and regulations.

If the franchise fee is adjusted upward, such adjustment shall be effective at the beginning of the next immediate full quarter of the Company's fiscal year during which such adjustment is made. City may unilaterally adjust the franchise fee upward only after giving notice to the Company and holding a hearing.

c) The Grantee shall pay to the City a sum of money sufficient to reimburse it for all expenses up to $75,000 incurred by it in connection with the granting of a franchise pursuant to the provisions of this ordinance less all application fees collected by the City pursuant to the process leading to the award of the franchise. In addition the Grantee shall pay to the City a sum of money sufficient to reimburse it for all expenses up to $50,000 per review incurred by it in the fifth and again in the tenth year state-of-the-art review process. Such payment shall be made within thirty (30) days after the Grantee is furnished with a statement of such expense.

LIMITATIONS OF FRANCHISE.

a) In addition to the limitations otherwise herein appearing, the franchise is subject to the following limitations: The Grantee shall at all times during the life of any franchise hereunder be subject to all lawful exercise of the police power by the City and other duly authorized regulatory state and federal bodies and shall comply with any and all Ordinances which the City has adopted or shall adopt applying to the public generally and to other Grantees, and shall be subject to all laws of the State of North Carolina, and the United States.

b) Time shall be of the essence of any franchise granted hereunder. The Grantee shall not be relieved of its obligations to comply promptly with a provision of this Ordinance by the failure of the City to enforce prompt compliance. Failure of the City to enforce any breach by the Grantee shall not constitute a waiver by the City.

c) Any franchise granted hereunder shall not relieve the Grantee of any obligation under any pole or conduit-use agreements both from the City and the telephone company, or others maintaining poles or conduits in the streets of the City, whenever the Grantee finds it necessary to make use of said poles or conduits.

d) Any poles, cable, electronic equipment or other appurtenances of the Grantee to be installed in, under, over, along, across or upon a street shall be so located so as to cause minimum interference with the public use of the streets and to cause minimum interference with the rights of other users of the streets or of property owners who adjoin any of the streets. All such installations shall be subject to the prior approval of the City.

e) In the event of disturbance of any street or private property by Grantee, it shall, at his own expense and in a manner approved by the City, replace and restore such street and private property in as good a condition as before the work causing such disturbance was done.

f) Grantee shall construct, maintain and operate the Cable Television System so as to cause minimum inconvenience to the general public. All excavations shall be properly guarded and protected and shall be replaced and the surface restored promptly after completion of the work at its sole cost and expense. The Grantee shall at all times comply with all excavation ordinance requirements of the City.

g) The Grantee shall, upon reasonable notice from any person holding a building moving permit issued by the City, temporarily alter his facilities to permit the moving of such building. The actual cost of such altering shall be borne by the person requesting the altering and the Grantee shall have the right to request payment in advance. For the provision of the Ordinance, reasonable notice shall be construed to mean at least forty-eight (48) hours prior to the move.

h) If, at any time, in case of fire or disaster in the City it shall become necessary in the judgement of the City Manager or the Chief of the Fire Department or their designee to cut or move any of the wires, cables, amplifiers, appliances, or appurtenances thereto of the Grantee, such cutting or moving may be done and any repairs rendered necessary thereby shall be made by the Grantee at no expense to the City.

ADDITIONAL CITY RIGHTS IN FRANCHISE.

a) The City may from time to time, add to, or modify or delete provisions of this Ordinance as it shall deem necessary in the exercise of its regulatory powers provided that such additions or revisions are reasonable and in keeping with the public interest and welfare. Such additions or revisions shall be made only after a public hearing for which the Grantee shall have received written notice at least thirty (30) days prior to such hearing.

b) The City reserves the right upon reasonable notice to require the Grantee at his expense to protect, support, temporarily disconnect, relocate or remove from the City's streets any property of the Grantee by reason of traffic conditions, public safety, street construction or excavation, change or establishment of street grade, installation of sewers, drains, water pipes, power or communication lines, tracts, or other types of structure or improvements by governmental agencies or any structures of public improvement. Reasonable notice for this provision of the Ordinance shall be construed to mean at least thirty (30) days except in the case of emergencies where no specific notice period shall be required.

c) In the event of the failure by the Grantee to complete any work required by (b) above or any work required by City law or ordinance within the time established and to the satisfaction of the City; the City may cause such work to be done and the Grantee shall reimburse the City the costs thereof within thirty (30) days after receipt of an itemized list of such cost.

d) The City reserves the right, in the event of an emergency or disaster, to require the Grantee to make available to the City Manager or his appointee, at his request, Grantee's facilities at no cost, for emergency use during such emergency or disaster period.

e) The City reserves the right during the life of any franchise granted hereunder to have access at all reasonable hours to the Grantee's plans, contracts and engineering, accounting, financial, statistical, customer, and service records relating to the property and the operations of the Grantee and to all other records required to be kept hereunder upon reasonable request.

f) The City reserves the right during the life of any franchise granted hereunder, to install and maintain free of charge upon the poles and conduits of the Grantee any wire and pole fixtures necessary for municipal networks such as police and fire, on the condition that such installations and maintenance thereof do not interfere with the operations of the Grantee.

g) The City reserves the right during the life of any franchise granted hereunder, to reasonably inspect and supervise at the Grantee's cost, all construction or installation work performed subject to the provisions of the Ordinance to insure compliance with the terms of the ordinance. The City may also perform measurements upon and randomly inspect any portion of a Grantee's system to ensure compliance with the technical standards under which the Grantee is authorized to operate. Upon the City's request, the Grantee will perform the tests, submitting the results to the City.

h) The City reserves the right during the life of any franchise granted hereunder, to upon ninety (90) days notice hold a public hearing for the expressed purpose of reviewing the general and specific performance of the Grantee with regard to all franchise provisions contained herein or in the future adopted by the City.

i) Neither the granting of any franchise nor any governing provision of such franchise shall constitute a waiver or bar to the exercise of any governmental right or power of the City.

j) Nothing in this Ordinance shall in any way or to any extent be construed to waive, modify or abridge the City's right of eminent domain in respect to the Grantee.

k) Any right or power in, or duty impressed upon any officer, employee, department or board of the City shall be subject to transfer by the City Council by law to any other officer, employee, department or board of the City. The City reserves all rights not specifically granted herein, and the enumerations of the rights herein shall not be construed to be a limitation of any right or power the City may otherwise have.

l) The City shall have the authority to order a hearing every five years on the provision of additional channel capacity for the residential subscriber network and the separate institutional network.

If after such a hearing, the City determines

1) that there exists a requirement for additional channel capacity and

2) that provision has been made or will be made for adequate rates which allow Company a fair rate of return on its investment, including the investment required to provide the additional channels

The City may order Company to provide and activate such additional channel capacity or other cable television related services.

INITIAL SERVICE AREA.

a) The Grantee of any franchise hereunder shall provide service to all potential subscribers now or in the future who are located within the City limits as of the effective date of the franchise.

b) In the event the continued use of a street is denied for any reason, the Grantee will make every reasonable effort to provide service over alternate routes.

ANNEXATION AND EXTENSION POLICY.

Unless otherwise authorized by the City Council, all areas annexed into the City subsequent to the effective date of a franchise granted pursuant to this ordinance shall be served by both the residential subscriber network and institutional network within six (6) months of the annexation date in the same manner as the initial service area.

CONDITION ON USE OF STREET AND ROADS.

a) The poles used for a distribution system shall be, to the extent possible, those erected and maintained by either a power company or a telephone company, or both. Notwithstanding any other provisions of this ordinance, no poles except replacements for existing poles shall be erected by or for the Grantee, in any street, without the prior approval of the City. Any poles, wires, cables or other facilities to be constructed or installed by Grantee within the streets or roads shall be constructed or installed only at such locations and depths and in such a manner as to comply with all state statutes and rules and regulations of the North Carolina Department of Transportation, the City, and any other agency of competent jurisdiction. The North Carolina Department of Transportation, the City, or other agency of competent jurisdiction must approve such construction and maintenance. All facilities constructed or installed within the streets or roads shall be so constructed and installed so as to cause a minimum interference with the proper use of said streets or roads, and minimum interference with the property rights of property owners adjoining said streets or roads or other persons having property interest which will be affected by such construction or installation. The facilities shall be constructed or installed so that, after construction or installation is complete, they shall cause no interference with proper use of said streets or roads, and no interference with property rights of owners of property adjoining said street or road or other affected owners of property interest.

b) The installation of lines, including service drops to subscribers, shall be made underground in areas where both telephone and power lines are underground or hereafter may be placed underground. The same shall apply to installation of other facilities. Also, installation of lines and facilities shall be underground, and any existing above ground facilities shall be placed underground when required by rules, regulations, and policies of the North Carolina Department of Transportation, the City, or any other agency of competent jurisdiction.

c) The Grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, any property of the Grantee when required by the City or the North Carolina Department of Transportation or other agency of competent jurisdiction by reason of traffic conditions, public safety, street closing or abandonment, highway or street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power line, signal lines, or any other types of structures or improvements; and the City or the North Carolina Department of Transportation shall not be liable for any disturbance of the Grantee's installations resulting therefrom. This section applies to streets or roads as defined herein. The Grantee shall do such tree trimming or other maintenance as shall be necessary to maintain their lines and cables and other property in good working order in conformance with City ordinances. All matters mentioned herein shall be performed at the Grantee's expense.

d) Whenever the Grantee takes up or disturbs any pavement, sidewalk or other improvement of any street or road, the same shall be replaced and the surface restored to as good condition as before entry, all in accordance with standards, regulations and policies of the City and the the North Carolina Department of Transportation or any subdivision thereon. Any opening or obstruction in the streets shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which shall be clearly designated by warning lights of approved types.

SYSTEM DESIGN AND CHANNEL CAPACITY.

The Company shall construct, operate, and maintain a cable communications system with a residential subscriber network (cable A) having a sixty (60) channel capacity and strand and other hardware with dual cable capability. Said residential subscriber network shall consist of dual four-hundred-forty megahertz (440 MHz) trunk and dual feeder cables. Company's residential subscriber network shall be bi-directional and addressable. Company shall activate, if ordered to do so by the City, a second sixty (60) channel trunk by installing the necessary hardware throughout the cable system. At such time, the Company shall implement a fully operational dual trunk, dual feeder cable, comprised of one-hundred-twenty (120) video channels and one-hundred-twenty

(120) text channels. The cable system will be capable of distributing all programming and optional services (required elsewhere herein) at rates established by and approved by the City. In lieu of actually building the dual subscriber cable system, an operator may build a single cable system and provide a security agreement to the City to guarantee construction and implementation mandated by the five (5) year and ten (10) year review proceedings.

EMERGENCY ALERT OVERRIDE SYSTEM.

The Company shall incorporate into its cable communication systems, the capability which will permit the City, in times of emergency, to override the audio portion of all channels simultaneously, by telephone or other communicating medium to be provided by the Company.

a) The Company shall designate a channel which will be used for emergency broadcasts of both audio and video.

b) The Company shall cooperate with the City in the use and operation of the emergency alert override system.

INTERCONNECTION.

The Company shall interconnect its cable system with any or all other cable systems in nearby areas, upon the directive of the City. To accomplish this requirement, the Company shall familiarize itself with the technical demands necessary to cause such interconnection.

a) Interconnection of the systems may be done by direct cable connection, microwave link, satellite, or other appropriate method.

b) Upon receiving a directive from the City to interconnect, the Company shall immediately initiate negotiations with the other affected system or systems in order that all costs may be shared equitably among cable companies for both construction and operation of the interconnection link. Such interconnection shall be made within the time limit established by the City.

c) The Company may be granted reasonable extensions of the time to interconnect, or the City may rescind its order to interconnect upon petition by the Company to the City. The City shall grant the request, if it finds that the Company has negotiated in good faith and has failed to obtain approval from the other affected system(s) or the cost of interconnection would cause an unreasonable or unacceptable increase in subscriber rates.

d) The Company shall cooperate with any interconnection corporation, regional interconnection authority or city, county, state and federal regulatory agency established for the purpose of regulating, financing, or otherwise providing for the interconnection of cable systems beyond the boundaries of the City. Further, Company will cooperate with other cable system operators in an attempt to standardize the number of channels likely to be interconnected, to standardize a suitable frequency plan that would be compatible with existing microwave coverage in the area that would permit the maximum number of systems to interconnect, and to standardize the actual channel assignments.

e) The Company shall design and operate the system so as to facilitate interconnection as stated above.

INSTITUTIONAL NETWORK.

a) The Company shall construct, install, operate and maintain a separate institutional network, in addition to the residential subscriber network.

b) The separate institutional network shall have at least an upper frequency limit of four-hundred-forty megahertz (440 MHz).

c) The institutional network shall be installed with a configuration to accommodate adequate upstream and downstream transmission.

d) The institutional network's full upstream capabilities shall be activated initially.

e) The institutional network shall be capable of providing institution-to-institution communications via network switching and addressability.

f) Features incorporated into the system design shall permit institutions to transmit programming via upstream institutional channels on both institutional network and residential subscriber network channels.

g) The Company's system shall allow for switching between the residential subscriber network and the separate institutional network and allow for switching between points on the institutional network.

h) The Company shall have available one-way or two-way video channels for institutional users as needed.

i) The Company shall have available one-way or two-way audio channels in conjunction with video services to institutional network users as needed.

j) At least fifty percent (50%) of the channel capacity of the separate institutional network shall at all times be available for non-commercial users. This percentage of capacity reserved for non-commercial users may be reallocated by the City from time to time after receiving recommendations on any proposed reallocation from the City's designee charged with the responsibility of administrating the separate institutional network.

k) Institutional network users shall have residential subscriber network programming and optional services available by petitioning the City.

l) The institutional network shall be capable of providing telemetry services for all institutional network users.

m) The institutional network shall be capable of handling data and facsimile transmissions in such a way as to make it capable of performing as a high-speed switched digital network.

n) When requested to do so by the City, Company shall expand the separate institutional network so that appropriate facilities annexed into the City can be connected to said network.

o) The separate institutional network shall have the capability of serving businesses according to rates approved by the City.

p) The Company shall extend institutional network without charge to all non-commercial users specified by the City.

q) The Company shall not make any charges to non-commercial users of the institutional network.

r) Institutional network channels shall be available on a party line or private line basis for annual, monthly or weekly use.

ACCESS FUNDING.

a) The City shall have the right to establish an authority or commission to administer for the City all access programming development.

b) Within one (1) year of reaching a franchise agreement, Company shall provide by construction, lease or purchase a facility suitable for the operation of a Main Access Studio Complex which Company shall maintain throughout the term of the franchise.

c) The Main Access Studio Complex facility shall be located at a location approved by the City and shall contain at least 3,000 square feet of usable space.

d) Company shall provide to the City $1,000,000.00 worth of cable television origination equipment. This equipment shall be selected by the City. Company shall not be required to make purchases hereunder greater than indicated in the following schedule:

First year	$300,000.00
Second year	$300,000.00
Third year	$200,000.00
Fourth year	$200,000.00

e) In addition to the above, each year of the term of the franchise agreement, Company shall provide the City's designee the following sums as indicated:

First year	$200,000.00
Second year	$206,600.00
Third year	$213,417.00
Fourth year	$220,460.00
Fifth year	$227,735.00
Sixth year	$235,251.00
Seventh year	$243,014.00

Eighth year $251,033.00

Ninth year $259,317.00

Tenth year $267,875.00

Eleventh year $276,715.00

Twelfth year $285,846.00

Thirteenth year $295,279.00

Fourteenth year $305,024.00

Fifteenth year $315,089.00

f) If the above amounts are not paid during any of the above indicated periods, the amounts not paid shall be carried over and added to the amount which Company shall be required to pay during the next period.

g) Provided, however, that Company shall be required to pay such amount or to provide such equipment to the City's designee only upon receiving from the City's designee a request for said funds or equipment, which request will be attached thereto a budget which has been approved by the City.

h) Although the management of access equipment and facilities shall be the responsibility of the City's designee, the access equipment and facilities provided directly by Company shall remain owned by Company.

i) Company shall not interfere with the use of access facilities and equipment except in cases where Company demonstrates in an opinion letter by its counsel a substantial risk of it having legal liability for the particular program content involved.

j) Company shall be allowed to make fair and reasonable leased access charges approved by the City, but Company shall not charge for the use of other access channels.

k) Access channels shall be available for downstream transmission twenty-four (24) hours per day. There shall be no product advertising except on leased access channels; provided, however, underwriting support and acknowledgment for access programs shall be allowed.

CHANNELS, NEW DEVELOPMENTS AND ACCESS UTILIZATION.

The City shall have the authority to order a public hearing from time to time on the provision of additional channel capacity for the residential subscriber network and the separate institutional network.

If after such a hearing, the City determines

a) that there exists a reasonable demand for additional channels, and

b) that provisions have been made or will be made for adequate rates which allow Company a fair rate of return on its investment including the investment required to provide the additional channels,

the City may order Company to provide such additional channel capacity within a reasonable amount of time. A like procedure shall be available to the City in instances where "state-of-the-art technology" is desired to be considered for inclusion in Company's cable system.

If any access channel(s), in the opinion of the City have become utilized to the extent additional access capacity is desirable, Company shall within three (3) months from receipt of written notice from the City make a new channel or channels available; provided, however, that nothing in this paragraph shall require Company to add additional channel capacity to the Cable Television System.

Whenever, in the opinion of the City, any access channel is underutilized, the City may order different or additional uses for said channel.

PENALTIES.

a) For the violation of any of the following provisions of this franchise, penalties may be chargeable to the letter of credit as follows; provided, however, the Grantee shall have the right to object to the imposition of any such penalty and to present evidence in connection therewith in a hearing before the City Council. The Council shall take into account in determining whether the penalty shall be levied the extent to which the violation has been repeated and the extent to which the Grantee had knowledge of the violation.

b) For failure to adhere to system construction milestones in accordance with the plan included in the franchise ordinance, unless the City Council specifically approves the modification due to the occurrence of conditions

beyond Company's control, Company shall pay $500.00 per day for each day, or part thereof, that the time schedule is not met.

c) For failure to provide data, documents, reports or information to the City, Company shall pay $500 per day for each day, or part thereof, each violation occurs or continues.

d) For failure to test, analyze and report on the performance of the system following a request pursuant to the franchise, Company shall pay to City $500.00 per day for each day, or part thereof, that such noncompliance continues.

e) For failure to comply with operational, performance or maintenance standards, Company shall pay to City $500.00 per day for each day, or part thereof, that such noncompliance continues.

f) For failure to provide channels, staff, equipment, and funding for Access as required in this Ordinance or in franchise ordinance with the City, Company shall pay $500.00 per day for each day, or part thereof, that such noncompliance continues.

g) For failure to provide in a continuing manner the services required herein, or in franchise ordinance, Company shall pay $500.00 per day for each day, or part thereof, that each noncompliance continues.

h) For failure to pay the franchise fee on time, Company shall pay $500.00 per day for each day, or part thereof, that the payment is late.

i) No penalty shall be assessed if the violation occurs without fault of the Company or occurs as a result of circumstances beyond its control. Company shall not be excused by mere economic hardship nor by misfeasance or malfeasance of its directors, officers, or employees.

j) All fines pursuant to this section shall be levied according to the procedures established by the Raleigh City Council in the ordinance creating the Raleigh Telecommunications Authority.

CONSTRUCTION STANDARDS.

a) Grantee shall construct, install, operate and maintain its system in a manner consistent with all laws, ordinances, construction standards, governmental requirements and the detailed construction and operational standards if submitted by Grantee as part of its application.

b) All installation and maintenance of electronic equipment shall be of a permanent nature, durable and installed in accordance with the applicable sections of the current edition of the National Electric Safety Code, the National Electrical Code of the National Bureau of Fire Underwriters, and Southern Bell Construction and Safety Specifications, and all state and local codes where applicable.

c) Antenna supporting structures (towers) shall be designed for the proper loading zone as specified in Electronics Industry Association's R.S.-22A Specifications.

d) Antenna supporting structures (towers) shall be painted, lighted, erected and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration, the State Aeronautics Board governing the erection and operation of supporting structures of TV towers, and all other applicable local or state codes and regulations.

e) Nothing in this Ordinance or the franchise ordinance shall authorize the Grantee to construct, erect or operate and maintain in the City, new poles where existing poles are servicing the area. The Grantee does have the right, however, to construct, erect, operate and maintain poles where none exists at the time the Grantee seeks to install the Cable Television System. The Grantee shall first obtain permission from the City before constructing or erecting any new poles or underground conduit.

f) Copies of all utility pole agreements and other utility agreements must be filed with the City.

g) All construction methods and standards shall conform to the highest and best possible standards of the industry at the time of construction, and as specified herein and in the franchise ordinance.

OPERATIONAL STANDARDS AND PERFORMANCE MONITORING.

a) The Grantee shall put, keep and maintain all parts of the system in good condition throughout the entire franchise period.

1) Not later than ninety (90) days after any new or substantially rebuilt portion of the system is made available for service to subscribers, technical performance tests shall be conducted by the Grantee to demonstrate full compliance with the technical standards required

herein. Such tests shall be performed by, or under the supervision, of a qualified registered professional engineer or an engineer with proper training and experience. A copy of the report shall be submitted to the City describing test results, instrumentation, calibration and test procedures and the qualifications of the engineer responsible for the tests; and

2) At any time after commencement of service to subscribers, the City may require additional tests, full or partial repeat tests, different test procedures or tests involving a specific subscriber's terminal. Requests for such additional tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant noncompliance and such tests will be limited to the particular matter in controversy. The City will endeavor to so arrange its request for such special tests so as to minimize hardship or inconvenience to the Grantee or to the subscriber.

b) The Grantee shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum system use.

1) Service repair response time to a subscriber shall not exceed twenty-four (24) hours except in circumstances beyond the reasonable control of the Grantee; and

2) The Grantee may interrupt system service for periods exceeding one hour duration after 7:00 a.m. and before 1:00 a.m. only with good cause, and except in emergency situations, only after publishing notice of service interruption at least twenty-four (24) hours in advance of the service interruption. Service may be interrupted between 1:00 a.m. and 7:00 a.m. for routine testing, maintenance and repair, without notification, any night except Friday, Saturday or Sunday, or the night preceding a holiday.

3) Grantee office and technical personnel, in lieu of answering devices, will receive customer calls twenty-four (24) hours per day and respond to all customer complaint calls until 10:00 p.m. on normal business days. After 10:00 p.m. on any day, trained technicians shall respond to calls if three or more calls are received from the same service area.

RIGHTS OF INDIVIDUALS.

a) Company shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or other users, or any citizen on the basis of race, color, religion, national origin, sex or sexual orientation. Company shall comply at all times with all other applicable federal, state and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of the Ordinance by reference.

b) No signals of a Class IV cable communications channel shall be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. No person shall be required to grant such permission. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provision. The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever. Such authorization is required for each type or classification of Class IV cable communications activity planned for the purpose; provided, however, that the Company shall be entitled (1) to conduct systemwide or individually addressed "sweeps" for the purpose of verifying system integrity, provided such sweeps do not monitor or reveal what subscribers are viewing, and (2) conduct individually addressed sweeps for the purpose of controlling return-path transmission, or billing for pay services.

c) Except in respect to an approved transfer of all or part of the Company, the Company, or any of its agents or employees or agents or employees of the City of Raleigh, shall not, without the specific written authorization (contained in a separate document) of the subscriber involved, sell or otherwise make available to any party:

1) Lists or other material containing the names and addresses of such subscribers, or

2) Any list or other material which identifies the individual viewing habits of subscribers.

d) No person shall be required to sign an authorization allowing Company to make this information available to any party.

LIABILITY AND INDEMNIFICATION.

a) It shall be expressly understood and agreed by and between the City of Raleigh, employees and officials and any Grantee hereunder that the Grantee shall save the City of Raleigh, its employees and officials harmless and indemnify it and them from all loss sustained by the City of Raleigh, its employees and officials on account of any suit, judgement, execution, claim or demand whatsoever including but not limited to copyright infringement and all other damages arising out of the award of a franchise on the installation or operation or maintenance of the Cable Television System authorized herein, whether or not any act of omission complained of is authorized, allowed or prohibited by this Ordinance and any franchise granted hereunder.

b) The Grantee shall pay and by his acceptance of any franchise granted hereunder agrees that he will pay all expenses incurred by the City of Raleigh, employees and officials in defending itself with regard to all damages and penalties mentioned in Sub-section (a) above. These expenses shall include all reasonable out-of-pocket expenses, such as consultant or attorney fees, and shall also include the reasonable value of any services rendered by the City Attorney or his staff or any other employees of the City.

INSURANCE, PERFORMANCE BOND, LETTERS OF CREDIT.

a) At the time of and concurrently with the filing of written acceptance, the Grantee shall file with the City Clerk and at all times thereafter maintain in full force and effect for the term of such permit or any renewal thereof:

Extended coverage and general liability insurance insuring against claims for liability or damages. Extended coverage insurance of this section shall be a minimum of two million dollars ($2,000,000). General liability insurance under this section shall be a minimum of two million dollars ($2,000,000) for the protection of the public in connection with:

1) Liability to persons or damages to property, in any way arising out of or through the acts or omissions of Company, its servants agents or employees or to which Company's negligence shall in any way contribute;

2) Liability arising out of any claim for invasion of the right of privacy for defamation of any person, firm or corporation, or the violation or infringement of any copyright, trademark, trade name, service mark or patent, or of any other right of any person, firm, or corporation excluding claims arising out of or relating to Access programming; and

3) Liability arising out of Company's operations and relationships with any independent contractor or subcontractor.

b) The Grantee at the same time shall file with the City Clerk, a corporate surety bond by a company authorized to do business in the State of North Carolina and found acceptable by the City Attorney, in the amount of twenty-five million dollars ($25,000,000) to guarantee the timely construction and full activation of the Cable Television System as required herein and in the franchise ordinance.

The bond shall provide, but not be limited to, the following condition: there shall be recoverable by the City jointly and severally from the principal and surety, any and all damages, losses or costs suffered by the City resulting from the failure of the Grantee to satisfactorily complete and fully activate the Cable Television System pursuant to the terms of the franchise.

Any extension to the prescribed time limit must be authorized by the City Council. Such extension shall be authorized only when the City Council finds that such extension is necessary and appropriate due to causes beyond the control of the Grantee.

After the City Council finds that the Company has satisfactorily completed and fully activated the Cable Television System pursuant to the terms of the franchise, the construction bond shall convert to a bond in the amount of $15,000,000 which will guarantee the maintenance of a state-of-the-art system throughout the life of the franchise. Said bond shall guarantee the construction and implementation of improvements and additions mandated by the five (5) year and ten (10) year review proceedings.

The rights to the City with respect to the bonds are in addition to all other rights of the City, whether reserved by this ordinance or authorized by law and no action, proceeding or exercise of right with respect to such construction bond shall affect any other right the City may have.

c) The Grantee at the same time shall also deposit with the City Clerk a letter of credit from a financial institution in the amount of one-hundred

thousand dollars ($100,000). The form and content of such letter of credit shall be approved by the City Attorney. The letter of credit shall be used to ensure the faithful performance of the Grantee of all provisions of this ordinance and the franchise ordinance and compliance of all reason over its acts or defaults under this ordinance or the franchise ordinance, and the payment by the Grantee of any claims, liens and taxes due the City which arose by reason of the construction, operation or maintenance of the Cable Television System.

The letter of credit shall be maintained in the amount of one-hundred thousand dollars ($100,000) at City Hall during the entire term of the franchise, even if amounts are withdrawn pursuant to this section.

If the Grantee fails to pay to the City any compensation within the time fixed herein; or, fails, after ten (10) days notice to pay to the City any taxes due and unpaid; or fails to repay within such ten (10) days, any damages, costs, or expenses which the City shall be compelled to pay by reason of any act or default of the Grantee in connection with the franchise; or fails, after three (3) days notice of such failure to comply with any provision of this ordinance which the City Council reasonably determines can be remedied by demand on the letter of credit, the City Council may immediately request payment of the amount thereof, with interest and any penalties, from the letter of credit. Upon such request for payment, the City Council shall notify the Grantee of the amount and date thereof.

The rights reserved to the City with respect to the letter of credit are in addition to all other rights of the City whether reserved by this ordinance or authorized by law, and no action, proceeding or exercise or a right with respect to such letter of credit shall affect any other right the City may have.

SUBSCRIBER AGREEMENT.

The form of Grantee's agreements with his subscribers and users shall be subject to the approval of the City Attorney before they are used and copies of all type of subscriber and user agreements used by the Grantee shall be filed and maintained with the City Clerk.

FILING AND COMMUNICATIONS WITH REGULATORY AGENCIES.

The Grantee shall simultaneously file and maintain with the City Council copies of all petitions, applications and communications, relative to any franchise granted pursuant to this ordinance, transmitted by the Grantee to, or received by the Grantee from all federal and state regulatory commissions or agencies having competent jurisdiction to regulate the operations of any broadband telecommunications network authorized hereunder.

REPORTS.

a) The Grantee shall file annually with the City Council not later than four (4) months after the end of his fiscal year during which he accepted a franchise hereunder and within four (4) months after the end of each subsequent fiscal year, except as otherwise required, a copy of his report to his stockholders (if he prepares such a report), an independently audited financial statement applicable to his operation under this franchise during the fiscal year or fraction thereof and a listing of his properties devoted to Cable Television operations together with an itemization of his investment in each of such properties on the basis of original cost, less depreciation.

b) The Grantee shall file annually with the City Council not later than four (4) months after the end of his fiscal year during which he accepted a franchise hereunder and within four (4) months after the end of each subsequent fiscal year, a total facilities report and map setting forth the total physical miles of plant installed or in operation during the fiscal year.

c) The Grantee shall file annually with the City Council not later than four (4) months after the end of his fiscal year during which he accepted a franchise hereunder and within four (4) months after the end of each subsequent fiscal year following supplemental information:

1) If a non-public corporation, a list of all current shareholders and bondholders both of record or beneficial. If a public corporation, a list of all shareholders who individually or as a concerted group hold three percent (3%) or more of the voting stock of the corporation.

2) A current list of all Grantee's officers and directors including business addresses and business telephone numbers.

3) The name, addresses and both business and residential phone numbers of the Cable Television System manager and chief engineer.

4) Copies of all rules and regulations promulgated by the Grantee during the fiscal year in the conduct of his business.

STATUS MONITORING.

The grantee shall provide remote status monitoring of all standby power supplies at least at every sixth trunk amplifier to indicate the power supply battery usage as well as the technical specifications of those amplifiers. Grantee shall provide twenty-four hour staff to observe the status or system read-out resulting from this monitoring process.

STANDBY POWER.

Grantee shall provide emergency battery power sources, rated at a minimum of two and one-half (2½) hours duration, at each Cable Television System power location in order to maintain service in the event of power supply failure or loss. The headend, all remote hubs, studios, microwave and satellite facilities shall have separate emergency power supplies. All utility safety regulations shall be followed to prevent the emergency power supplies or standby generators from powering nonfunctioning utility lines.

MISCELLANEOUS PROVISIONS.

a) Compliance with Laws. Grantee agrees to comply fully with all local ordinances, state and federal laws, and with all rules issued by all regulatory agencies now or hereafter in existence.

b) Severability. If any section, sentence, clause or phrase of the ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remainder of this ordinance, and any portions in conflict are hereby repealed. Provided however, that in the event that the FCC declares any section invalid, then such section or sections will be renegotiated by the City and the Grantee.

c) Captions. The captions to sections are inserted solely for information and shall not affect the meaning or interpretation of the ordinance.

d) No Recourse Against the City. The Grantee shall have no recourse whatsoever against the City or its officers, boards, commissioners, agents, or employees for any loss, cost, expense or damage arising out of any provision or requirement of this franchise or because of its enforcement.

e) Non-Enforcement. The Grantee shall not be relieved of its obligation to comply promptly with any of the provisions of the franchise by any failure of the City to enforce prompt compliance.

f) This ordinance and any disputes arising from its adoption, or from any franchise granted pursuant thereto shall be governed by the laws of the State of North Carolina and the City consistent with applicable FCC Rules and Regulations required to be observed in the enforcement of this ordinance.

g) This ordinance shall not be deemed conclusive as to the terms and conditions of any franchise hereinafter issued hereunder. The final terms and conditions of such franchise shall be determined by the franchise ordinance.

h) Franchise Required. It shall be unlawful for any person, firm, or corporation to construct, operate or maintain a cable television system in the City as defined without a franchise.

Adopted: 6/7/83 First Reading

Mr. Upchurch MOVED APPROVAL OF THE CABLE TELEVISION FRANCHISE ORDINANCE AS AMENDED BY THE CITY ATTORNEY AT TODAY'S MEETING GRANTING A NON-EXCLUSIVE FRANCHISE TO AMERICAN TELEVISION AND COMMUNICATION CORPORATION. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative except Ms. Babb who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED AND THE ORDINANCE APPROVED ON THE FIRST READING WITH THE UNDERSTANDING IT WILL BE PLACED ON THE JUNE 21, 1983 AGENDA FOR SECOND AND FINAL CONSIDERATION.

Mr. Upchurch indicated he had talked with representatives of ATC and he understands they have a Corporate Policy Statement which indicates that if a person who is physically handicapped needs the remote control device as a necessity that ATC will waiver the monthly rental for these people. The comment was received as information.

ORDINANCE NO. (1983) - 131

AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION (ATC), TO OWN AND OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM, AS DEFINED HEREIN, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE, PROVIDING FOR THE REGULATION AND USE OF THE CABLE TELEVISION SYSTEM, PROVIDING PENALTIES, AND DEFINING THE TERM AND EFFECTIVE DATE THEREOF.

WHEREAS, the City of Raleigh, hereinafter referred to as "City", has, following reasonable notice, conducted full public proceedings, which proceedings were

concerned with the analysis and consideration of the technical ability, financial condition, legal qualification and general character of the franchisee; and

WHEREAS, the City, after consideration, analysis and deliberation, has approved and found sufficient the technical ability, financial condition, legal qualification and character of said franchisee; and

WHEREAS, the City has also considered and analyzed the plans of the franchisee for the construction, upgrading and operation of the Cable Television System and found the same to be adequate and feasible in view of the needs and requirements of the entire area to be served by the Cable Television System; and

WHEREAS, the City has determined that it is in the best interest of and consistent with the public convenience and necessity of the citizens of Raleigh to grant a franchise to American Television and Communications Corporation to operate a Cable Television System within the confines of the City and on the terms and conditions hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. Grant of Franchise

That American Television and Communications Corporation, hereinafter referred to as "Grantee" is by this ordinance granted a nonexclusive franchise to install, construct, operate and maintain a Cable Television System within the limits of the City from effective date of the franchise until July 1, 1998, unless otherwise terminated as provided for herein.

Section 2. Incorporation of Proposal and Cable Television Ordinance

A. All of the terms, conditions and provisions of the Grantee's proposal and clarifications thereto and the Cable Television Ordinance of the City of Raleigh are hereby incorporated by reference in this franchise ordinance and made a part thereof as though fully set forth herein and the Grantee, by accepting this franchise, specifically agrees to be bound by all the terms, conditions, obligations and provisions of this ordinance granting the franchise, the Cable Television Ordinance and amendments thereto, and Grantee's proposal. Grantee acknowledges that its intent in entering this franchise agreement is to make fully consistent all promises and commitments contained in its proposal, any written clarifications(s) of its proposal, oral representations made during the City Council meeting of May 24, 1983, the Cable Television Ordinance, and this ordinance. In the event of a conflict between Grantee's proposal, written clarification(s) of its proposal, oral statements made during City Council meeting of May 24, 1983, the Cable Television Ordinance and the provisions of this ordinance granting the franchise, the City shall have the absolute right to choose which provision shall prevail.

B. If the City determines that a material provision of the Cable Television Ordinance or this ordinance is affected by any subsequent action of the State or Federal government, the City shall have the right to modify any of the provisions herein to such reasonable extent as may be necessary to carry out the full intent and purpose of the Cable Television Ordinance or this franchise ordinance.

Section 3. City's Authority

A. Grantee acknowledges that the City of Raleigh is duly authorized under Federal and State law to enter into this agreement, including all terms and conditions of said agreement. Grantee agrees never to raise in a court of law a claim, counterclaim, or defense that the City in any way acted without authority under State or Federal law in the process of entering this agreement.

B. Grantee agrees that in any judicial action it shall not plead that the City lacks authority to enter into or enforce this ordinance and Grantee shall not allege a Federal or State law or judicial decision as a limitation on the City's authority to enforce this ordinance.

Section 4. Home Security

The grantee will offer security services to all subscribers beginning no later than the 48th month following the effective date of this ordinance.

Section 5. Institutional Narrowcasting

Switching facilities shall be available to allow for discrete programming of some locally originated audio, video, text or data services throughout the institutional network. In addition, the institutional network shall be interconnected via switching and addressability sufficiently to the residential subscriber network to distribute discrete programming between any locations within the total distribution area.

Section 6. Rate Guarantee and Increase Policy

Grantee will maintain all basic service rates and converter charges at the amount listed below for a period of 30 months from the effective date of the ordinance. Susequent to the expiration of the 30 month period, the Grantee shall have the right to raise its rates if an increase has occurred in the consumer price index during Grantee's last fiscal year. Any such increase shall be limited to the amount of such consumer price index increase or 5% per annum, whichever shall be less. Any other rate increases shall be processed through procedures to be adopted by the Raleigh City Council.

Installation charges for services made pursuant to one request for service by a subscriber shall not exceed $22.50 or the then City-approved installation rate.

RATE SCHEDULE

12-Channel Basic Service

Residential	INSTALLATION CHARGE	MONTHLY RATE
First TV outlet	$ 22.50*	$ 4.95
Additional TV outlets, each	22.50*[1]	2.50
FM (with cable)	15.00*[1]	2.50
FM (without cable)	15.00*	2.50
Converter (deposit $ n/a)		
Relocation	10.00	--
Reconnection	22.50	--

Apartments -- Bulk Rate

To be negotiated. Monthly rates will not exceed those charged for residential service.

Apartments -- Individual Rate	Same as residential
Commercial	To be negotiated. Monthly rates will not exceed those charged for residential service.
Governmental & Educational Facilities	No installation or monthly charge for basic services or as allowed by contract with program sources.

*Installation fee may be waived during special promotional period.

[1]Free with primary service installation.

60 Channel Basic Service

Residential	INSTALLATION CHARGE	MONTHLY RATE
First TV outlet	$ 22.50*	$ 8.95
Additional TV outlet (including first outlet pay services)	22.50*[2] (no converter fee)	5.25
FM (with cable)	15.00*[2]	2.50
FM (without cable)	15.00*	2.50
Relocation	10.00	--
Reconnection	22.50	--
Wireless remote control (each)	--	3.00

Converter (deposit $15.00 each)	1.95 (0 pay services) $1.75 (1 pay service) $ .95 (2 pay services) no charge (3 pay services)

Pay Services -- Residential, Apartments (individual)

Home Box Office	$ 22.50*[1,2]	$ 8.95
Cinemax	22.50*[1,2]	8.95
Showtime	22.50*[1,2]	8.95
Playboy Channel	22.50*[1,2]	10.95
The Movie Channel	22.50*[1,2]	8.95
PlayCable	149.50	8.95
The Disney Channel	22.50*[1,2]	8.95
Pay-per-view	--	Variable (per program)

Apartments -- Bulk Rate

To be negotiated. Monthly rates will not exceed those charges for residential service.

Apartments -- Individual Rate	Same as residential
Commercial	To be negotiated. Monthly rates will not exceed those charged for residential service.
Governmental & Educational Facilities	No installation or monthly charge for basic service or as allowed by contract with program sources.

*Installation fee may be waived during special promotional periods.

[1]Installation charge does not apply when an addressable converter is already in the home.

[2]Free with primary service installation.

OTHER RATES

Studio and Equipment	
Non-Commercial user	Subject to City approval
Commercial user	Subject to City approval
Access Channel	
Non-Commercial user	No charge
Commercial user	Subject to City approval
Institutional Network	
Non-Commercial user	No charge
Commercial	To be negotiated
Advertising	To be negotiated
Other	Subject to City approval

Section 7. Favored City Clause

To provide Raleigh with the most modern services available, Grantee will actively pursue a continuous policy of incorporating new technical developments into Raleigh's system to reflect the state-of-the-art. Should Grantee, its parent, any

subsidiary or related company in which the Grantee shall have a controlling interest offer any service to four or more of its systems, test situations excepted, the same service shall be offered to the City of Raleigh.

Section 8. Service Delivery Schedule

The Grantee shall offer full cable television service (sixty channels or more) to all potential subscribers, including commercial, residential and non-commercial subscribers, located within the initial service area and upon a potential subscriber's request install and provide full cable television service per the schedule listed below:

Date	Census Tract
December 21, 1983	537.01
	526.02
	526.01
June 21, 1984	537.02
	525.01
	540.01
	540.02
	540.03
June 21, 1984	540.03
	540.04
	527.01
December 21, 1984	527.03
	527.02
	526.03
	518
	517
	515.01
	516
	525.02
	515.02
	514
	513
	524.01
	540.05
June 21, 1985	503
	512
	511
	510
	524.02
	524.03
	535.01
	523
	522.01
	522.02
September 21, 1985	504
	505
	502
	506
	519
	520.01
	541.01
	501
	507
	520.02
	509
	508
	521.02
	528.03
	521.01
	528.04

Section 9. Access Funding

Within thirty (30) days following receipt of a letter of request as well as an equipment list from the City, Grantee will enter into a lease arrangement with the Raleigh Civic Center to utilize no less than 3,000 square feet as a main access studio complex. Grantee will provide the necessary funds to fully prepare the area for use as an access studio. In addition, the equipment will be ordered in the name of Grantee with copies of all purchase orders for such equipment delivered to the City. Although Grantee will retain ownership of all of the equipment, the City will be the final authority as to type and variety of equipment required for the main studio.

In addition, the Grantee will provide the City with $100,000 of the first years' funding at the time of ordering the equipment with the remaining $100,000 of first year funding payable four (4) months later.

In following years, all equipment and funding will be requested by the City in quarterly amounts. All such expenditures will be used to capitalize, operate and maintain the institutional and access programs. Grantee shall dedicate Channels 10, 13, 22 and 23 to be utilized by the access and institutional networks in a manner to be determined by the City.

In event the City does not utilize the twenty-four (24) hour capability of each access channel, the Grantee, upon receipt by the City of a request, may allocate some of the unused channel time back to Grantee for Grantee's use.

Section 10. Program Schedule

Grantee shall not delete, add to or modify the programming services as listed in its proposal without the prior approval of the City, which approval shall not be unreasonably withheld. Said modifications shall include, but are not limited to, the switching of programming services from one tier of service to another.

The City's right of approval of deletions, additions or modifications of service offerings shall include right of approval of rates for new tiers of service, programming services or other ancillary services.

Section 11. Municipal Channel Allocation

Upon request from the City, Grantee agrees to provide the City sufficient downstream and upstream bandwidth on the residential subscriber network to the City for data transmission purposes, provided, however, that said upstream and downstream bandwidth shall not exceed one megahertz (1 MHz).

Section 12. Municipal Building

Upon request from the City, Grantee agrees to install sufficient interior wiring in the new municipal building to provide that all areas, as specified by the City, will be capable of receiving full cable television service from both the residential subscriber network and the institutional network.

Section 13. Interim Cable Television Service

Grantee shall have available, no later than March 31, 1984, to all potential subscribers being served at the effective date of this franchise interim cable television service consisting of the following tiers:

Interim 12-Channel Basic

Cable Channel	Decscription
2	WLFL - Channel 22
3	WRAL - Channel 5
4	WUNC - Channel 4
5	FM Music/Raleigh Community News
6	WTTG - Channel 5
7	Home Box Office
8	Entertainment and Sports Programming Network
9	WTVD - Channel 11
10	WTBS - Channel 17
11	Cable Classified Ads
12	WPTF - Channel 28
13	Community Access/Local Origination

Interim 21-Channel Basic

Shall include all the services listed under the 12-channel basic and the following:

Cable Channel	Description
14	Black Entertainment Television/The Learning Channel
15	Satellite News Channel
16	The Disney Channel
17	Cinemax
18	USA Network
19	Nashville Network
20	Music Television
21	Nickelodeon/Arts
22	Community Access

Subscribers to the interim 12-channel basic tier shall not be required to utilize a converter. Subscribers to the 21-channel basic tier shall be provided with a Zenith Tiered Addressable Converter/Decoder at rates as specified herein.

Section 14. Counterparts

This contract is executed in two counterparts, each of which shall have the full force and effect of an original copy. This contract is made pursuant to North

Carolina law, and the laws of this jurisdiction shall control all interpretations and decisions made concerning this contract.

Section 15. Nondiscrimination Agreement

In consideration of the signing of this contract, the parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner on the basis of race, color, creed or national origin with reference to the subject matter of this contract, no matter how remote. The parties further agree in all respects to conform with the provisions and intent of City of Raleigh Ordinance (1969) - 889, as amended. This provision is hereby incorporated into this contract for the benefit of the City of Raleigh and its residents, and may be enforced by action for specific performance, injunctive relief, or other remedy as by law provided.

This agreement shall be binding on the successors and assigns of the parties with reference to the subject matter of this contract.

Section 16.

This grant of franchise has been passed upon two readings as required by law. The first reading was passed on June 7, 1983, and the second reading was passed on June 21, 1983.

This the _____ day of _____, 1983.

CITY OF RALEIGH

By: _____
G. Smedes York
Mayor

ATTEST:

_____
Gail G. Smith
City Clerk and Treasurer

AMERICAN TELEVISION & COMMUNICATIONS

By: _____
Joseph J. Collins

ATTEST:

_____
Harry J. Gerken
Vice President and Secretary

REPORT OF MAYOR AND COUNCIL MEMBERS

THE CITY COUNCIL PRIORITY WORK ITEMS - ADOPTED

Mayor York presented the following memo:

You may recall that at our first meeting in December I commented that I felt this Council had an opportunity to be remembered for a significant number of positive accomplishments. The priority topics I listed at that time (with one year to go in our term) were the following:

1. Cable television.
2. Housing.
3. Transportation Planning.
4. Downtown Development.
5. Raleigh Tomorrow.
6. Continued efforts for new revenue sources.
7. Budgetary review process.

We now have six (6) months to go in our term. Even though I will not be seeking reelection, I pledge to you that I will continue to give a maximum effort. A lot of progress has been made in the last six (6) months on the above topics. What I would like to do at this time is to expand the list and make it more specific. As we begin the countdown to the end of this term I ask that you continue to work with me on this list and on other important matters that will be considered. I further request that our Manager, at the first meeting of each month through November, give us a progress report on each of the below listed items.

LIST OF PRIORITY WORK ITEMS

(1) Downtown Redevelopment

a. York Hanover Project: (Goal - lease with major tenant, obtain UDAG Grant).
b. Capital Area Housing: (Goal - agreement with State, solicit developer proposals).
c. City Market Project: (Goal - complete most land negotiations, complete schematics, cost estimates, progress on leasing and financing).
d. Transit Transfer Point: (Goal - UMTA approval, land acquisition, completion of plans so construction can start in early 1984).
e. New Bern Avenue Project: (Goal - establish firm schedule for this project.)

(2) Raleigh Tomorrow: (Goal - hold community forum, adopt long range strategies for City).

(3) Municipal Building: (Goal - complete construction to point that Council meeting can be held; let contract for parking deck).

(4) North Raleigh Land Use Plan: (Goal - adopt plan including policy for Falls Reservoir).

(5) Southeast Raleigh Land Use Plan: (Goal - adopt plan).

(6) Housing Committee: (Goal - adopt housing strategies for low and moderate income housing; downtown housing).

(7) Boylan Avenue Bridge: (Goal - complete construction, put bridge in use).

(8) Swimming Pools: (Goal - open two pools which are under construction and contract for two more).

(9) Cable Television: (Goal - award a franchise and get new system under construction. Set up appropriate monitoring system including access corporation, authority, and administrative personnel as appropriate).

(10) Special Committee on Police Affairs: (Goal - adopt review procedures).

(11) Hillsborough Street: - (Goal - complete traffic study and make decision on two-way traffic).

(12) Dorothea Dix Property: (Goal - agree with State on land use plan).

(13) Transportation: (Goal - begin construction of Atlantic Avenue, continue to push for other needed improvements; complete as many steps as possible to assure outer belt loop).

(14) Committee Agendas: (Goal - clear the items on the agendas by action or removal from agenda).

Mayor York indicated the list of priority work items do have numbers but there is no priority within the numbers, that the numbers are just a way to identify the items. Mr. Upchurch MOVED APPROVAL OF THE PRIORITY WORK ITEMS FOR THE REMAINING OF THE COUNCIL TERM AND THE PROCEDURE AS OUTLINED IN THE MAYOR'S MEMO. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mayor York indicated he did not anticipate the Council completing all of these items and if the Council did not complete all of the work on the items, that it did not mean that they were unsuccessful. He stated you just have to have some priorities and some goals to work toward.

Mayor York indicated one of the items related to the Special Committee on Police Affairs. After brief discussion, it was agreed that the Committee would meet on June 20, 1983, at 4 p.m.

REQUEST AND PETITION OF CITIZENS - ADDITION - AUTHORIZED

Mr. Upchurch requested as a point of personal privilege, he would ask that the City Council allow Tom Adams to appear before the Council tonight under Request and Petitions of Citizens. Without objection, it was agreed to add Attorney Adams to the night portion of the Agenda.

TRAFFIC - WAKE FOREST ROAD - REFERRED TO ADMINISTRATION

Mr. Upchurch indicated the people along Wake Forest Road are still concerned about the number of 18 wheelers utilizing Wake Forest Road. He indicated he knew that Administration has been looking at this problem but the people are still concerned and are still counting numerous 18 wheelers. The matter was referred to Administration.

STREET IMPROVEMENTS - LAKE BOONE TRAIL - DIXIE TRAIL - REFERRED TO ADMINISTRATION

Mr. Upchurch indicated a Mr. Poore on Lake Boone and Dixie Trail complained about the surface on the road. He indicated he understands that there were some type utilities put in next to the pond and the road needs to be resurfaced. He indicated he

understood that Granville Drive was resurfaced and it does not have curb and gutter. Brief discussion took place and the matter was referred to Administration.

RALEIGH TOMORROW - INFORMATION RECEIVED

Ms. Babb indicated for the Council's information that July 28, 1983, is the tentative day for the Raleigh Tomorrow Form. She indicated that date might be changed but at this point that is the tentative date. She indicated it is hoped that all Council Members would be able to attend pointing out it will be an all day event. The item was received as information. Mr. Walters pointed out he will be out of the country on July 28 and would not be able to attend.

STORM WATER MANAGEMENT - FINANCING - REFERRED TO THE PUBLIC WORKS COMMITTEE

Mr. Edwards indicated he knew that the storm water management policy is in a subcommittee of the Planning Commission. He stated however, he would LIKE TO REFER TO THE PUBLIC WORKS COMMITTEE AN ITEM RELATING TO FINANCING OF STRUCTURES HAVING TO DO WITH STORM WATER MANAGEMENT. He indicated he was speaking to the larger impoundment type facilities, reservoirs, etc. Without objection, the item was referred to Public Works Committee.

PRIVILEGE LICENSE - ANMATHERAPHY - APPROVED

Mr. Walters indicated he had been contacted by Christopher A. Moore and Carol A. Moore relative to their application for a massage business license for a Anmatheraphy, 1004 Dresser Court, as well as the application of Christopher A. Moore for a massagist's license doing business at the same location. Mr. Walters indicated this has gone through the regular Administrative channels and would have been on the Agenda, however, it was a little late for the Agenda deadline. He indicated police, fire, building and zoning inspections all indicate approval. Therefore, HE WOULD MOVE APPROVAL OF THE MASSAGIST'S LICENSE IN THE NAME OF CHRISTOPHER A. MOORE AND THE BUSINESS LICENSE FOR ANMATHERAPHY LOCATED AT 1004 DRESSER COURT AS APPLIED FOR. His motion was seconded by Mr. Keller. City Manager indicated these have gone through the Administrative channels and everyone indicates approval. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

GREEN ROAD PARK - COMMENTS MADE

Mr. Walters indicated the City Council has approved the Capital Improvement Program and that does make changes and authorizes the gym to be constructed at Green Road Park. He questioned, rather than holding this up, would it be in order to notify the architect that the gym has been approved so that he can begin his design. City Manager Zachary indicated he had written to the Parks and Recreation Director and told him he would have to get with the architect. No further action was taken.

STREET LIGHTS - MINI-CITY AREA - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Jordan requested all THAT A MATTER RELATING TO THE STREET LIGHTS IN THE MINI-CITY AREA BE REFERRED TO LAW AND FINANCE COMMITTEE. Without objection, the item was so referred.

PRIVILEGE LICENSE - STAYIN' ALIVE - APPROVED CONDITIONALLY

Mr. Jordan indicated he had been contacted by applicants John Henry Walters and Steve Myers relative to a Class II live entertainment license, dance hall and private club at 2840 Industrial Drive. He indicated he would like consideration on this application at this time. City Manager Zachary indicated at this point, it doesn't meet all City requirements, with Mr. Jordan indicating he understood the requirements it does not meet relate to the building. After brief discussion, Mr. Jordan MOVED THAT THE LICENSE APPLIED FOR BY STAYIN' ALIVE BE ISSUED CONTINGENT UPON THE CITY MANAGER'S APPROVAL AND THAT THE APPLICATION MEET ALL OTHER CITY REQUIREMENTS, BUILDING CODES, ETC. His motion was seconded by Mr. Walters and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

EROSION PROBLEM - RAVENWOOD DRIVE/GROVE AVENUE - REFERRED TO ADMINISTRATION

Mr. Keller indicated he would like to ask ADMINISTRATION TO CHECK INTO THE EROSION CONTROL OF LACK OF EROSION CONTROL ON THE BUILDING AT THE LOCATION WHERE RAVENWOOD DRIVE CONNECTS TO GROVE AVENUE. He indicated that dirt, etc., is running down behind the homes on Ravenwood Drive and Melbourne and there is no attempt to control the erosion runoff. Without objection, the matter was referred to Administration.

PUBLIC NUISANCE - PROSPECT AVENUE - REFERRED TO ADMINISTRATION

Mr. Keller indicated at a recent meeting, he brought up a problem relating to an alleged nuisance on Prospect Avenue. He indicated he did get a letter from Administration indicating some work would be done; however, the trash is still there and it backs up on the cemetery. City Manager Zachary indicated there is a proposal in the Jobs Bill money to help take care of this situation. Mr. Keller indicated the trash and debris needs to be moved. The item was referred to Administration.

REPORT OF CITY CLERK AND TREASURER

PRELIMINARY ASSESSMENT ROLLS - VARIOUS - RESOLUTION ADOPTED

The City Clerk presented the following preliminary assessment rolls with the

recommendation THAT THE ASSESSMENT ROLLS BE ADOPTED WHICH WOULD SET A PUBLIC HEARING TO CONSIDER CONFIRMATION OF COST AT THE JULY 19, 1983 COUNCIL MEETING: Paving AR676 - Bernard Street; Paving AR677 - Bernard Street; Paving AR678 - Bertie Drive. Mr. Keller moved adoption of the preliminary assessment rolls as presented. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 254

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 676
Powell Fund

WHEREAS, by Resolution No. 1980-409 adopted by the City Council on December 9, 1980, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving 41 feet back-to-back within 2" asphalt surface on an 8" stone base on Bernard Street from existing curb and gutter north to Mills Street.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $14,843.56.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Douglas Allen	1	0001301	70.0	765.33		765.33
Charlie J. Griffin	2	0026587	70.0	765.33		765.33
Donald E. & Lynda Hughes	3	0041328	70.0	765.33		765.33
Sterling R. Booth	4	0007118	70.0	765.33		765.33
Julia D. Holder	5	0031964	70.0	765.33		765.33
John D. & Ruby Dean	6	0017373	70.0	765.33		765.33
Life Homes, Inc.	7	0042014	70.0	700.00		700.00
Evelyn W. Roper	8	0061182	60.0	600.00	69.60	669.60
Stanley A. & Candace Morse	9	0002170	100.0	1,000.00	290.80	1,290.80
Margaret C. Lanier	10	0040556	70.0	765.33		765.33
Fred L. & Martha W. Myers, III	11	0049932	70.0	765.33		765.33
Linda C. B. Richardson	12	0010823	70.0	765.33		765.33

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Irene Babuin	13	0038079	70.0	765.33		765.33
John T. Kanipe	14	0049604	70.0	765.33		765.33
Suzanne G. Keever	15	0037341	70.0	765.33		765.33
Thomas C. Sullivan & Samuel I. Pridgen, III	16	0054901	70.0	700.00	229.00	929.00
Jafar H. Al-Muhja	17	0001615	60.0	600.00	242.20	842.20
Marshall & Helen Salmon	18	00061955	100.0	1,000.00	228.00	1,228.00
			1,300.0	13,783.96	1,059.60	$14,843.56

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 676 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 19th day of July, 1983 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assesssment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 6/7/83

RESOLUTION NO. (1983) 255

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 677
Powell Fund

WHEREAS, by Resolution No. 1980-409 adopted by the City Council on December 9, 1980, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving 35 feet back-to-back with 2" asphalt surface on a 6" stone base on Bernard Street from Mial Street to Peebles Street.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $5,346.70.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
John C. & Virginia Wright	1	0079904	100.0	1,000.00		1,000.00
John H. & Martha Dixon	2	0018441	60.0	600.00		600.00
Virginia C. Kinton	3	0039411	99.8	998.00		998.00
Frances K. Brannan	4	0007818	22.9	229.00		229.00
Doral Associates	5	0051523	175.38	1,753.80		1,753.80
William A. Wilson	6	0078549	76.59	765.90		765.90

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 677 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 19th day of July, 1983, at 7:00 p.m. in the Council Chamber, Municipal Buidling in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 6/7/83

RESOLUTION NO. (1983) 256

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 678
Powell Fund

WHEREAS, by Resolution No. 1980-409 adopted by the City Council on December 9, 1980, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina and Section 105 of Chapter 1184, Sessions Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving 35 feet back-to-back with 2" asphalt surface on a 6" stone base on Bertie Drive from Colleton Road to King Charles Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $11,302.90.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Maxie L. Poole	1	0010512	176.25	1,762.50		1,762.50
William Pretty, Sr.	2	0057050	160.00	1,600.00	163.20	1,763.20
Theodore & Carrie Higdon, Sr.	3	0047068	135.0	1,350.00	37.20	1,387.20
Howard & Vera Pearson	.4	0053840	120.5	1,205.00		1,205.00
Lundy & Tripp, Inc.	5	0043089	49.5	495.00		495.00
Robert Lee Wall & Wife	6	0073769	216.4	2,164.00		2,164.00
Harold B. Burt & Wife	7	0010493	252.6	2,526.00		2,526.00
			1,110.25	11,102.50	200.40	$11,302.90

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 678 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 19th day of July, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 6/7/83

MINUTES - MAY 17 and MAY 24 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the minutes of the May 17 Council meeting and zoning hearing and minutes of the May 24 Special Council meeting. There being no corrections, MAYOR YORK INDICATED THE MINUTES WOULD BE APPROVED AS DISTRIBUTED.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:20 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, June 7, 1983, at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and the following items were discussed with action taken as shown.

REQUEST AND PETITIONS OF CITIZENS

TRAFFIC - LAKE BOONE TRAIL - REFERRED TO PUBLIC WORKS COMMITTEE

Mrs. Carol Ellis indicated she is at the meeting to request that a study be made of the dangerous curve in the 700 block of Lake Boone Trail. She indicated for the past two years she had tried to get some action taken to alleviate this problem. She stated she has had to stop walking in front of her house and she hates to think that she would have to stop driving. She stated it is hard to get in and out of her driveway, people overshoot the curve, end up in the yard, etc. She indicated she would hope that the Council would be able to implement some measure to alleviate the situation. City Manager Zachary indicated the Department of Transportation has been working on this item and is in the process of installing three street lights for increased vision in the area in hopes of helping alleviate some of the problems. Mr. Upchurch indicated he would request that this go to Committee pointing out the Engineering Department has drawn up some maps as to how the street could be straightened out. Mayor York indicated it is a very dangerous situation and he feels something should be done. Without further discussion, by general consensus THE QUESTION OF IMPROVING THE CURVE IN THE 700 BLOCK OF LAKE BOONE TRAIL WAS REFERRED TO PUBLIC WORKS COMMITTEE.

CLAIM - CHARLIE WHITE - REFERRED TO CITY ATTORNEY FOR REPORT BACK ON JUNE 21

Geoffery H. Simmons, Charlie White and his mother were at the meeting to present a claim to the City on behalf of Charlie White before the Council to make a proposal that the Council settle the case of Charlie White versus the City of Raleigh. He indicated two years ago, Mr. White was accidentally shot in the back by a police officer. He stated about a month later, Chief Heineman said restitution would be made for the medical bills, etc. He stated this has not been done. He stated he would like the Council to make a settlement with Mr. White, so that Mr. White could drop his civil suit against the City. He indicated the City Attorney is aware of this situation and he read a memo that had been presented to the Council giving the details of the accidents and events that have occurred since then. He indicated Mr. White is requesting that the City compensate him for his medical treatment and $15,000 for stress and other problems related to the accident. He indicated in total, they are requesting $21,556 so that Mr. White can drop his lawsuit against the City. He indicated he feels the City Council has the power to settle this suit under Article 7.1 of the City Charter.

Mayor York indicated this is the type of item he feels the Council should discuss in executive session as it is a matter of litigation. He stated he would support that type of response but it is difficult to make a statement publicly now, as the matter is in litigation and it is a very sensitive matter. City Attorney McCormick indicated he feels the proper course of action might be refer this matter to him for report back to Council in Executive Session at the next meeting. Brief discussion took place and Mr. Calloway MOVED THAT THE REQUEST TO SETTLE THE CASE OF CHARLIE WHITE BE REFERRED TO THE CITY ATTORNEY FOR REPORT BACK TO CITY COUNCIL IN EXECUTIVE SESSION ON JUNE 21, 1983. His motion was seconded by Mr. Jordan and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

GROVE TOWERS OFFICE BUILDING - REQUEST FOR DRIVEWAY VARIANCE - REFERRED TO LAW AND FINANCE COMMITTEE

John A. Edwards, Jr. had requested a variance in the driveway width for the purpose of installing a 51 foot driveway entrance for Grove Towers Office Building on Navaho Drive. Mayor York indicated Mr. Edwards is out of town and had requested that this matter be referred to Committee. Mr. Upchurch MOVED THAT THE REQUEST FOR A VARIANCE IN THE DRIVEWAY WIDTH RELATING TO GROVE TOWERS OFFICE BUILDING ON NAVAHO DRIVE BE REFERRED TO LAW AND FINANCE COMMITTEE. His motion was seconded by Mr. Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

DRIVEWAYS - VARIANCE AND WIDTH AND NUMBER - APPROVED

John M. Alexander, representing Cardinal International Trucks, was at the meeting to request that a variance in the driveway number and width on the west and east sides of Blount Street at the location of Cardinal International Trucks. Mr. Alexander indicated there are only two property owners on this street, the truck company and Jiles Coggins property. He indicated most of the Mr. Coggins' property is in the

flood plain so it could not be developed. He stated they are going to have a shop on one side of the road and a leasing facility on the other side. He indicated they have discussed this with the Department of Transportation and believe they have a meeting of the minds. City Manager Zachary read a memo from the Transportation Director in which they indicated they would agree for three driveways on the east side of Blount Street and three driveways on the west side of Blount to serve the facility. It was indicated these would be 36-foot driveways at the property line constructed as street type entrances with 25-foot radiuses to facilitate movement of the large trucks in and out of the property. The three driveways could be located along his 496-foot frontage in a way that best meets his needs. Mr. Alexander indicated he would agree with the information presented by the manager. Mr. Upchurch MOVED APPROVAL OF THE VARIANCE IN DRIVEWAY NUMBER AS OUTLINED BY THE DEPARTMENT OF TRANSPORTATION DIRECTOR. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

NUISANCE - SNELLING ROAD AREA - DEFERRED UNTIL JUNE 21, 1983 MEETING

Joseph Winters, Jr., 408 Snelling Road, had requested permission to address the Council on an alleged nuisance in his area. The City Clerk indicated Mr. Winters requested that this item be deferred until the June 21 meeting. Without objection, the item was so deferred.

GARBAGE COLLECTION - INFILL RESIDENTIAL/CONDOMINIUM DEVELOPMENTS - REFERRED TO PUBLIC WORKS COMMITTEE

Settle Dockery representing Martin Development Group indicated he was at the meeting to ask the Council to look at policy regulating the method of picking up trash in higher density residential projects in urban areas, particularly the Downtown area. He indicated he feels that the higher density residential projects that are going in already developed areas need some special method in place particularly something in the nature of low profile dumpsters that do not waste the land, etc. Mayor York questioned if Mr. Dockery had a specific proposal, with Mr. Dockery indicating he did not have a specific proposal, but would like to work with the Committee on this matter. Mr. Edwards MOVED THAT THE ITEM RELATING TO GARBAGE COLLECTION IN HIGHER DENSITY RESIDENTIAL INFILL AREAS BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

UTILITY EXTENSION - DURHAM HIGHWAY - REFERRED TO PUBLIC WORKS COMMITTEE

Attorney Tom Adams representing John Adams, indicated his client has a contract for the purchase of a piece of property on the Durham highway and explained its location. He indicated the water line has been extended to the Coggins property and they would like permission to extend it further. Brief discussion took place and Mr. Upchurch MOVED THE REQUEST FOR THE WATER LINE EXTENSION OUTSIDE THE CITY BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

STREET CLOSING - COMMERCIAL - APPROVED CONDITIONALLY

The City Clerk indicated after the afternoon session of meeting was over, she was contacted by WSOC in Charlotte requesting permission to close a street in the city for filming of a commercials on June 21, 1983. She indicated the TV station had not had an opportunity to visit the City, therefore, they did not know where in the City they wanted to shoot the commercial; however, it would be a quiet residential area and would involve a commercial including NCSU Coach Valvano. The Clerk indicated in talking with the TV station, they had stated they would meet all of the requirements required by the Police Department including employment of all off-duty police officers or whatever is necessary. She indicated the shooting of the commercial could take part of a day or a whole day. The Clerk suggested the possibility OF THE CITY COUNCIL AUTHORIZING THE CLOSING OF A RALEIGH RESIDENTIAL STREET ON JUNE 21, 1983, FOR THE FILMING OF THE COMMERCIAL WITH THE UNDERSTANDING ALL CONDITIONS OF ADMINISTRATION AND THE POLICE DEPARTMENT WOULD BE ADHERED TO AND WITH THE UNDERSTANDING THE PARTICULAR STREET WOULD HAVE THE CONCURRENCE OF EVERYONE INVOLVED. Mr. Edwards moved the recommendation as outlined be upheld. His motion was seconded by Mr. Jordan and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

UNFIT BUILDING - 234 PECAN STREET - REFERRED TO LAW AND FINANCE COMMITTEE

Councilman Keller indicated Ordinance 1983-91 declared the property at 234 Pecan Street unfit. He indicated there was extensive repairs required to bring the house in compliance with the code. He stated the work on the house would be completed and HE WOULD REQUEST THAT ORDINANCE 1983-91 AS IT RELATES TO 234 PECAN STREET BE REFERRED TO LAW AND FINANCE COMMITTEE AS A HOLDING ACTION. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

MATTERS SCHEDULED FOR PUBLIC HEARING

STREET CLOSING - SECTIONS OF CALUMET DRIVE AND ROSELLE COURT - APPROVED WITH CONDITIONS

This was a hearing to consider the permanent closing of sections of Calumet Drive and Roselle Court rights-of-way with certain conditions. Planning Director Chapman indicated he understood the request to close the street is in order to allow Wakefield Apartments to place security shelters at both ends of the street and make a private drive. He indicated the staff has reviewed the request and would support the request with the following conditions: (a) that the applicant place double check valves on the water line in Calumet Drive and that the water line, in the portion of the road closed, be maintained by the applicant. (b) that the City's Department of Transportation have the opportunity to review the design and placement of the security shelters on Calumet Drive to ensure public safety access to the project. (c) that all necessary utilities easements are reserved or dedicated as requested by either the City or private utility companies such as Carolina Power and Light Company, Cablevision of Raleigh, Southern Bell or Public Services of North Carolina. The Mayor opened the hearing to the public.

Attorney Bill Daniell indicated he was representing the owners of the apartment complex. He indicated the owner and the manager of the complex are in the audience to answer questions. He pointed out there has been quite a bit of vandalism in this area and they have been working with the police and have been successful with curbing of some of the vandalism. He indicated in working with the police, it was determined that Wakefield apartment complex needs to take steps to monitor the flow of traffic into and out of the complex to deter undesirables. He indicated therefore they wanted to put the security shelters up and issue bumper stickers to the residents and if someone has a sticker, they would be flagged through, if not, they would be stopped and asked the nature of their visit to the complex. He indicated there was no intent of physically closing the street, as the street is necessary for circulation in the complex. He stated however, in order to avoid future vandalism, they are willing to accept the financial responsibility. Discussion took place on the bus routes with Department of Transportation Director Blackburn indicating we do have a charter service that operates on the street and the regular routes also utilize these streets. He indicated as he understands it, the street will not be physically blocked and there is nothing unusual about operating a bus on private property. He stated if the street is not physically closed, he has no objections. No one else asked to be heard, thus the hearing was closed. Mr. Walters MOVED APPROVAL OF THE STREET CLOSINGS AS ADVERTISED WITH THE CONDITIONS OUTLINED. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 257

A RESOLUTION ORDERING THE CLOSING OF CALUMET DRIVE AND ROSELLE COURT RIGHT-OF-WAY AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of Calumet Drive and Roselle Court right-of-way;

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, and published as required by law, and notice of public hearing was posted along said streets, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said streets is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to his property;

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that the following streets be closed:

CALUMET DRIVE and ROSELLE COURT: BEGINNING at a stake in the north side of the right-of-way of Calumet Drive at the Southwest corner of Lot 10, Block "D" of the Wakefield subdivision, said lot and block being the property of B.C.D.R., Ltd., formerly the property of R-A Properties, Inc., as shown on the Plat recorded in Book of Maps 1971, Volume IV Page 453 of the Wake County Registry, and running thence along and with the north side of the right-of-way of Calumet Drive in a southeasterly direction with the arc of a clockwise curve, having a radius of 371.22 feet, an arc distance of 60.0 feet to a stake; thence running South 59° 10' 00" East 290.0 feet to a stake; thence in southeasterly direction with the arc of a counterclockwise curve, having a radius of 478.49 feet, an arc distance of 245.77 feet to a stake; thence running South 88° 35' 47" East 263.28 feet to a lamp pole; thence running in a southeasterly direction with the arc of a clockwise curve, having a radius of 474.93 feet, an arc distance of 210.03 feet to a stake; thence running in a southeasterly direction with the arc of a clockwise curve, having a radius of 474.93 feet, an arc distance of 535.99 feet to a stake; thence running South 01° 24' 13" West 542.58 feet to a stake; thence running in a southeasterly direction with the arc of a counterclockwise curve, having a radius of 25 feet, an arc distance 39.27 feet to a stake lying on the north right-of-way of Holston Lane; running thence North 88° 35' 47" West 110.0

feet to a stake lying on the north right-of-way of Holston Lane; continuing thence in a northeasterly direction with the arc of a counterclockwise curve, having a radius of 25.0 feet, an arc distance of 39.27 feet to a stake; running thence North 01° 24' 13" East 542.58 feet to a stake; thence in a northwesterly direction with the arc of a counterclockwise curve, having a radius of 414.93 feet, an arc distance of 651.77 feet a stake; running thence North 88° 35' 47" West 50 feet to a stake; thence in a northwesterly direction with the arc of a clockwise curve, having a radius of 538.49 feet, an arc distance of 147.63 feet to a stake; running thence in a southwesterly direction with the arc of a counterclockwise curve, having a radius of 25 feet, an arc distance of 36.82 feet to a stake; running thence South 22° 42' 50" West 231.70 feet to a stake; thence in a southeasterly direction with the arc of a counterclockwise curve, having a radius of 25 feet, an arc distance of 18.69 feet to a stake; commencing thence in a southeasterly direction with the arc of a clockwise curve, having a radius of 50 feet, an arc distance of 231.84 feet to a stake; running thence in a northeasterly direction with the arc of a counterclockwise curve, having a radius of 25.0 feet an arc distance of 18.69 feet to a stake; running thence north 22° 42' 50" East 231.70 feet to a stake; running thence in a northwesterly direction with the arc of a counterclockwise curve, having a radius of 25.0 feet an arc distance of 36.82 feet to a stake; running thence North 59° 10' 00" West 23.66 feet to a stake; running thence North 59° 10' 00" West 290.0 feet to a stake; running thence in a northwesterly direction with the arc of a counterclockwise curve, having a radius of 311.22 feet an arc distance of 12.0 feet to a point lying on the southern right-of-way of Calumet Drive; running thence North 8° 51' 50" West 74.0 feet to a stake, the point and place of beginning, as per plat and survey by J. Fred Davis, Jr., Inc. dated December 22, 1977 to which plat reference is hereby made for a more particular description of same, said property being all of Roselle Court and a substantial portion of Calumet Drive as set forth in said plat and survey.

IT IS FURTHER ORDERED THAT the City Clerk and Treasurer file for registration in the Office of the Register of Deeds of Wake County, North Carolina, a certified copy of this order.

Adopted: 6/7/83

Effective: 6/7/83

ASSESSMENT ROLL 954 - HEARING TO CONSIDER CORRECTION - CORRECTION ADOPTED

A hearing to consider amending Assessment Roll 954 adopted by Resolution 1980-330 to the end that the assessment against Lot No. 3 will be divided into two parcels and assessed against Steven R. Dawson and Orus C. Baker, Jr., and the estate of Annie M. Thompson. The owners have requested the reapportionment of the charge. A copy of the proposed resolution will be included in the Agenda packets. Mayor York opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Calloway MOVED ADOPTION OF THE CORRECTING RESOLUTION AS OUTLINED. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 258

A RESOLUTION TO CORRECT WATER ASSESSMENT ON ONSLOW ROAD

WHEREAS, by Resolution No. 1980-366 adopted 10-21-80, the City Council confirmed Assessment Roll No. 954 as set forth in Resolution No. 1980-330 and assessed property as follows:

OWNER	LOT NO.	FRONTAGE	ASSESSMENT
Orus C. Barker, Jr.	3	201.0	$1,350.72

AS WHEREAS, the assessment charged against the property should be amended because property is now divided into two (2) parcels and the apportionment is made with the consent of the owners of the affected property.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the assessment charged against the property listed above be corrected as follows, pursuant to authority contained in G.S. 160A-228

OWNER	LOT NO.	FRONTAGE	ASSESSMENT
Stephen R. Dawson	3	168.5	$1,132.32
Orus C. Barker, Jr. & Estate of Annie M. Thompson	3A	32.5	$ 218.40

Section 2. That the Revenue Collector is authorized and directed to correct the assessment records. Interest shall be computed at 6% on the unpaid balance from the date of the original confirmation or from the last payment whichever was last.

Adopted: 6/7/83

PAVING ASSESSMENT ROLL 675 AND SIDEWALK ASSESSMENT ROLL 189 - HEARING TO CONSIDER CORRECTION - CORRECTION ADOPTED

A hearing to consider correcting Paving and Sidewalk Assessment Rolls 675 and 189 relating to Cross Link Road to the end that the assessment against Lot No. 9 will be reapportioned and assessed against Mary A. Peterson and Franklin A. Peterson. The property has been divided into two parcels and the property owners request that the assessment be reapportioned against each parcel. A copy of the proposed resolution is included in the Agenda packets. Mayor York opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Calloway MOVED ADOPTION OF THE CORRECTING RESOLUTION AS OUTLINED. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION (1983) 259

A RESOLUTION TO CORRECT PAVING AND SIDEWALK ASSESSMENT ON CROSS LINK ROAD

WHEREAS, by Resolution No. 1982-24 adopted 9-7-82, the City Council confirmed Assessment Roll No. 675 & 189 as set forth in Resolution No. 1982-988-1982-987 and assessed property as follows:

OWNER	LOT NO.	FRONTAGE	ASSESSMENT
Mary A. Peterson (Paving)	9	200	$2,465.30
Mary A. Peterson (Sidewalk)	9	200	$ 700.00

AND WHEREAS, the assessment charged against the property should be amended because property has been divided into two parcels and property owner requests that the assessments be re-apportioned against each parcel.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the assessment charged against the property listed above be corrected as follows, pursuant to authority contained in G.S. 160A-228:

OWNER	LOT NO.	FRONTAGE	ASSESSMENT
Mary A. Peterson (Paving)	9	100	$1,232.65
Mary A. Peterson (Sidewalk)	9	100	$ 350.00
Franklin A. Peterson (Paving)	9A	100	$1,232.65
Franklin A. Peterson (Sidewalk)	9A	100	$ 350.00

Section 2. That the Revenue Collector is authorized and directed to correct the assessment records. Interest shall be computed at 6% on the unpaid balance from the date of the original confirmation or from the last payment whichever was last.

Adopted: 6/7/83

PU-1983-8 AND 9 - BODDIE DRIVE - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

A hearing to consider the installation of approximately 460 feet of six inch water main and the installation of 460 feet of sanitary sewer main in Boddie Drive from New Hope Church Road to the dead end with assessment on the front footage basis to apply (PU-1983-8 and 9). Public Utilities Director Butler explained the proposal. The Mayor opened the hearing. A gentleman who indicated he owns a corner lot stated he has been assessed on New Hope Road. He questioned if he would be assessed for this line. Public Utilities Director Butler explained the 150-foot exemption. No one else asked to be heard, thus the hearing was closed. Mr. Edwards MOVED ADOPTION OF A RESOLUTION DIRECTING PU-1983-8 AND 9 AS ADVERTISED AND EXPLAINED. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) (260)

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU-1938-8 - Installation of approximately 460 feet ± of 6-inch water main in Boddie Drive from New Hope Church Road to dead end

PU 1983-9 - Installation of approximately 460 feet ± of 8-inch sanitary sewer main in Boddie Drive from New Hope Church Road to dead end

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 6/7/83

SEWER ASSESSMENT ROLL 994 - HARE SNIPE OUTFALL - HEARING - RESOLUTION ADOPTED

A hearing to consider adoption of a resolution confirming charges for the installation of approximately 375 feet of sanitary sewer main beginning at Hare Snipe outfall and continuing northward in proposed Pleasant Hills Drive. The charges will be according to those outlined in Resolution No. 1983-228, adopted on May 3, 1983. Chief Engineer Thomas explained the project. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Edwards MOVED ADOPTION OF THE RESOLUTION CONFIRMING CHARGES AS OUTLINED. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 261

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLL NO. 994

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 7th day of June, 1983, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 228 adopted on the 3rd day of May, 1983, which assessments appear on "The City of Raleigh Special Sewer Assessment Roll No. 994," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 6/7/83

UMTA ANNUAL GRANT APPLICATION - HEARING - HELD

This was a hearing to consider the annual grant application for Federal assistance in operating the City of Raleigh Transit System. Department of Transportation Blackburn indicated the project consists of mass transit service by the City of Raleigh during fiscal year 1984. The net cost of providing the services estimated to be $1,967,674. The estimated federal share will be $837 and the City's share will be estimated $918,525. The source of the local share is property tax. Brief discussion took place as to why the figures did not add up with Department of Transportation Director

Blackburn indicated the charter revenues make up the difference. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. In response to questioning, the Department of Transportation Director Blackburn indicated no action is required; however, there was a requirement that the hearing be held.

BUDGET - FY83/84 - HEARING - COMMENTS RECEIVED

This was a hearing to consider the proposed budget for FY 83-84 including the use of general revenue sharing funds. Mayor York read the public notice which included the proposed use of general revenue sharing funds and a summary of the proposed budget. Mayor York indicated the Council has had a number of meetings scheduled and are considering the proposed budget. He stated no action will be taken tonight. This is just an opportunity for the public to have input. The Mayor opened the hearing.

Mary Bell, 805 West Johnson Street, indicated she is a member of the Board of Directors of Drug Action. She indicated Drug Action is asking for a $8,000 increase in funding the next fiscal year. She stated even with this increase, this funding will be less than 5 percent of the total budget. She asked for consideration for this increase.

Ann McGee representing Wake County Council on Aging indicated last year they were funded at $20,000 or about 2 percent of their total budget. She indicated over half of their clients come from the City of Raleigh and explained the services they provide. She indicated they are asking for an additional $5,000 making their total request this year at $25,000. She expressed appreciation for the past support.

Marion Dorsey, member of the Board of Directors of Women's Center, indicated they are requesting $22,500 from the City of Raleigh. She stated last year they received $20,000. She explained their services are up and gave statistics on the number of clients served, information about the programs they offer and where other monies come from to operate the center. In response to questioning, she indicated their total budget was $89,500.

Craig Dalton and Jane Teague representina Artsplosure were at the meeting requesting $13,000 for FY 1984 for the Arts Festival. They presented information on ArtsPlosure, the 82/83 budget, how the festival works, and a resolution from the Arts Commission supporting their request. He explained their total budget and the fact that they are asking to be placed in the regular budget, so that they can have a little more leverage in soliciting private contributions, etc. He indicated they have about $78,000 inkind donations.

Sarah Bond, 714 South State Street, indicated she was asking for help from Revenue Sharing funds or the Jobs Bill funds to correct the drainage problem in the 700 block of South State Street.

David Myers, representing Hopeline, explained the work of Hopeline, their increase in service, increase in number of calls, etc. He stated they were requesting an increase in funding from $2,000 to $3,000, pointing out they have not received an increase in the last nine years. He indicated the City of Raleigh contributions represent 13 percent of the total budget. Eleven persons in the audience stood in support of Mr. Myers comments.

Eric Sifford, Executive Director of the DHIC, indicated when they presented a $98,000 budget, they felt it was needed to help increase the housing stock in the City. He explained the work of DHIC and indicating they are requesting an additional $29,090 over last year's budget to fund the position of construction superintendent. He indicated they would like the City to support this for the first year, either from general fund or the Jobs Bill. He indicated he felt that their work would benefit the City in increased housing stock, new tax revenue, related jobs in building houses, etc. Edwina Thompson, Chairman of the Board of Directors of DHIC as well as Shelia Nader, Beckie French, and John Stevenson were in the audience indicating they fully supported the request of Eric Sifford for additional funds for DHIC.

Joyce Davis, representing the East Central Community Legal Service, indicated they were asking for a one time budget allocation of $25,000. She indicated they had been receiving $7,500 from the City since 1975 with the exception of one year when it was higher. She explained their total budget, the number of people they serve, etc. She indicated again that hopefully this increase to $25,000 would be a one time allocation. She indicated they had no preference as to whether the money came from general funds, Revenue Sharing, or the Jobs Bill program. Mac Hulslander, representing the Gethsemane Rainbow, explained they are a fairly new non-profit temporary shelter and support service for the most part for women who have been incarcerated by the State and have been released. He indicated that hopefully this would be a one time request to allow them to purchase a house in which to run the facility. He explained his appearance before the Board of Adjustments on March 14, and the fact that that decision had been reversed. He explained the program and the need for the program. He indicated they would need $30,000 for operation, purchase of facility, and hiring the personnel that staff it. A representative of the Phoenix Organization spoke in support of the Hulslander's request. Richard Brand, Associate Minister and representing the Ram Organization and the Presbyterian Church, also spoke in support of Mr. Hulslander's request. He indicated the total budget would be $30,000 to $35,000 once they obtained a house. He indicated with the purchase of the house, it would be in the vicinity of $78,000.

Mike Reeder, representing Haven House Incorporated, explained the funding that they have received from the City. He indicated they would just like to receive the same level of funding they received last year. Evelyn Williams representing the Family Violence Prevention Center, explained the work of the center indicating they have asked for $19,000 from the City, which is $4,000 more than last year.

No one else asked to be heard, thus Mayor York closed the hearing. Mayor York indicated there appears to be a general level of satisfaction with the service rendered by the City as no one expressed dissatisfaction with the proposed tax rate. He explained the only persons appearing at the hearing were those requesting appropriations from the Revenue Sharing or funds from the City. The comments were received as information and referred to the Budget Work Session.

COMMUNITY DEVELOPMENT JOBS BILL BLOCK GRANT FUNDS - HEARING - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a hearing to receive comments from the public on the application for Community Development Jobs Bill Block Grant Funds. Community Development Director Wray indicated this is the second and final hearing. Mr. Wray explained the requirements for the Jobs Bill funds and presented a proposed budget. Mr. Wray indicated he would suggest that the Council receive the comments from the audience and then place this back on the next Agenda for consideration so the application could be approved and submitted no later than July, 1983. The Mayor opened the hearing to the public. Mary Jo Littlewood, representing Homemaker Home Help Aid, expressed appreciation for the recommendation of $10,000 for her organization. She indicated they had asked for $16,000 but feel $10,000 will be quite adequate and they are very grateful.

Greg Malliot, of East Central Legal Services, indicated they had requested an allocation of $15,000. He indicated Legal Services has done everything possible they can to obtain resources including getting some two hundred lawyers to agree to take two free cases per year. He stated, however, that had not been sufficient to meet their needs. He indicated people who have housing and employment related problems, seem also to have legal problems, therefore, they feel their request is within the intent of the Jobs Bill and the goals the City of Raleigh has established.

Gus Anderson, 2717 Van Dyke Avenue, an attorney with Legal Services, indicated this is the first time he had seen the proposed budget. He questioned the street widening in the community development area, pointing out it is extremely expensive and often displaces homes. He indicated, focus has been put on making this neighborhood a more residential neighborhood rather than thoroughfares. He explained what the Private Sector Housing Committee is doing in this neighborhood. He indicated he is just not familiar with the specific blocks of State Street that are proposed to be widened.

Gordon Folger, representing Women's Center, indicated a large portion of their program services are with unemployment. She indicated with the reduction of CETA funds, their budget has been cut in half and the staff has been cut more than 50 percent. She indicated they felt funding of the Women's Center would be appropriate under this program and she would ask the Council to consider funding the Women's Center through this program. She stated they are asking to be included either in the Jobs Bill or Revenue Sharing funding.

Mayor York indicated he did not quite understand how the Jobs Bill program would work, questioning if all people being served have to be those that have been unemployed between 15 and 26 weeks. How the program would work was discussed. Mr. Calloway questioned how much administrative cost would be involved in putting this type program into action, with Mr. Wray indicating that the Administration would have to certify that we have done everything we could to get unemployed people involved in this program. No one else asked to be heard.

Discussion took place on the funding of the professional services contract for Zuchelli, Hunter & Associates and Cranston Development Company. That portion is covered in the afternoon session of the meeting. The Mayor closed the hearing and Mr. Jordan MOVED THAT THE JOBS BILL PROGRAM BE REFERRED TO LAW AND FINANCE COMMITTEE. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TRANSFER - CD DEPARTMENT - APPROVED

City Manager Zachary presented a transfer in the CD Department relating to an action that was taken earlier in the afternoon with recommendation of approval. Mr. Jordan MOVED APPROVAL OF THE TRANSFER IN THE COMMUNITY DEVELOPMENT DEPARTMENT AS OUTLINED. His motion was seconded by Ms. Babb and put to a vote which was passed unanimously. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 247 TF 44.

HOUSING ASSISTANCE PLAN UPDATE - HEARING - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a hearing to receive comments from the public on a proposed housing assistance plan update. Michelle Grant of the Community Development Department presented a slide presentation of what has been built under the old HAP plan and a summary page and explained the update of the HAP. After explaining the plan, Ms. Grant indicated the action being requested is for the Council to adopt the plan so it can be submitted to HUD. She indicated this plan needs to be submitted prior to an application for the Jobs Bill or the Community Development funds for the coming year. The Mayor opened the hearing to the public.

Gus Anderson, 2717 Van Dyke Avenue, indicated this is a very important plan. He commended the Community Development staff for the work they have done on the plan pointing out they have done a fine job. He indicated he would just make one additional recommendation, and that is, that every effort be taken to avoid displacement. He indicated if we reach the housing goal, there would be no problem, but if the goal isn't reach and people are displaced, there would be no place for these people to move to. Eric Sifford, representing DHIC, indicated he has concerns about the numbers listed in the update. He indicated the only program HUD has available is the 202 Elderly Housing. Raleigh will not be considered as we have met 50 percent of the needs shown in the HAP plan. He indicated he was disappointed to see that we had listed only 260 units needed. He indicated he would just like to see the need raised so that we would not jeopardize the possibility of units being allocated to Raleigh. Brief discussion took place and Mr. Calloway MOVED THAT THE HOUSING ASSISTANCE PLAN UPDATE BE REFERRED TO LAW AND FINANCE COMMITTEE. His motion was seconded by Mr. Jordan and put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 p.m.

Gail G. Smith
City Clerk

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